

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

IN RE PETITION OF NL INDUSTRIES,)
INC. TO PERPETUATE THE TESTIMONY)
OF FRED OBERLIN)

) Civil Action No.
) CV 12 80 169 MISC EMC
)

- - - - -
OCTOBER 9, 2012
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Videotaped Deposition of FRED E.
OBERLIN, held at 2603 Main Street, 9th Floor,
Irvine, California, beginning at 10:09 a.m. on
the above date, before Kimberly S. Thrall, a
Registered Professional Reporter and Certified
Shorthand Reporter.

Golkow Technologies, Inc.
877.370.3377 ph | 917.591.5672 fax
deps@golkow.com

Fred E. Oberlin

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1 APPEARANCES:	1 EXAMINATION INDEX
2 FOR THE PETITIONER NL INDUSTRIES, INC.:	2 FRED E. OBERLIN PAGE
3 ARCHER & GREINER, P.C.	3 BY MR. EDELSTEIN 7
4 BY: DAVID F. EDELSTEIN, ESQUIRE	4 BY van AELSTYN 67
5 56 Haddon Avenue	5 BY MS. LESNIAK 84
6 Haddonfield, NJ 08033	6
7 (856) 795-2121	7 ---
8 dedelstein@archerlaw.com	8 EXHIBIT INDEX
9 -and-	9 EXHIBIT DESCRIPTION PAGE
10 CONTRAN CORPORATION	10 (NONE OFFERED)
11 BY: TRACEE A. THOMAS, ESQUIRE	11
12 Three Lincoln Centre	12
13 5430 LBJ Freeway, Suite 1700	13
14 Dallas, Texas 75240-2697	14
15 (972) 233-1700	15
16 tthomas@valhi.net	16
17 FOR THE WITNESS MR. OBERLIN:	17
18 MURTAUGH MEYER NELSON & TREGLIA LLP	18
19 BY: JILLISA L. O'BRIEN, ESQUIRE	19
20 2603 Main Street, 9th Floor	20
21 Irvine, California 92614	21
22 (949) 794-4000	22
23 jobrien@mmnt.com	23
24 FOR YOSEMITE SLOUGH PRP GROUP:	24
25 BEVERIDGE & DIAMOND P.C.	25
1 BY: NICHOLAS W. van AELSTYN, ESQUIRE	
2 456 Montgomery Street, Suite 1800	
3 San Francisco, California 94104-1251	
4 (415) 262-4000	
5 nvanaelstyn@bdlaw.com	
6	
7	
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9	
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1 APPEARING TELEPHONICALLY:	1 DEPOSITION SUPPORT INDEX
2 FOR UNIVAR USA:	2
3 VERIS LAW GROUP PLLC	3 DIRECTION TO WITNESS NOT TO ANSWER
4 BY: MICHELLE ULICK ROSENTHAL, ESQUIRE	4 (None)
5 1809 Seventh Avenue, Suite 1400	5
6 Seattle, Washington 98101	6 REQUEST FOR PRODUCTION OF DOCUMENTS
7 (206) 535-6006	7 (None)
8 michelle@verislawgroup.com	8
9 FOR SHELL OIL COMPANY and PENNZOIL-QUAKER STATE COMPANY	9 STIPULATIONS
10 SHELL OIL COMPANY	10 (None)
11 BY: KIMBERLY Z. LESNIAK, ESQUIRE	11
12 P.O. Box 2463	12 QUESTIONS CERTIFIED
13 Houston, Texas 77252-2463	13 (None)
14 (713) 241-5403	14
15 kim.lesniak@shell.com	15
16 FOR KELLY-MOORE PAINT COMPANY, INC.:	16
17 KELLY-MOORE PAINT COMPANY, INC.	17
18 BY: ROBERT STETSON, ESQUIRE	18
19 987 Commercial Street	19
20 San Carlos, California 94070	20
21 (650) 610-4314	21
22 rstetson@kellymoore.com	22
23	23
24	24
25	25

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<p>1 IRVINE, CALIFORNIA; TUESDAY, OCTOBER 9, 2012</p> <p>2 10:09 A.M.</p> <p>3</p> <p>4 THE VIDEOGRAPHER: We are now on the record.</p> <p>5 My name is Jim Lopez. I'm a videographer for Golkow</p> <p>6 Technologies. Today's date is October 9th, 2012, and</p> <p>7 the time is approximately 10:09 a.m.</p> <p>8 This video deposition is being held in Irvine,</p> <p>9 California, in the matter of: In Re Petition of</p> <p>10 NL Industries, Inc., to Perpetuate the Testimony of Fred</p> <p>11 Oberlin. Civil Action No. CV 12 80 169 MISC EMC, for</p> <p>12 the United States District Court, for the Northern</p> <p>13 District of California. The deponent is Fred Oberlin.</p> <p>14 Counsel and all present, will you please</p> <p>15 identify yourselves.</p> <p>16 MS. O'BRIEN: Jillisa O'Brien as counsel for</p> <p>17 Mr. Fred Oberlin.</p> <p>18 MR. EDELSTEIN: David Edelstein, Archer &</p> <p>19 Greiner on behalf of NL Industries.</p> <p>20 MS. THOMAS: Tracee Thomas, NL Industries.</p> <p>21 MR. van AELSTYN: Nico van Aelstyn of Beveridge</p> <p>22 & Diamond on behalf of the Yosemite Slough PRP Group.</p> <p>23 THE VIDEOGRAPHER: All of those on the line.</p> <p>24 MS. ROSENTHAL: Michelle Rosenthal -- Michelle</p> <p>25 Rosenthal with Univar USA Inc.</p>	<p>1 Q. What's your date of birth, Mr. Oberlin?</p> <p>2 A. 5/12/1919.</p> <p>3 Q. Do you currently have any medical conditions</p> <p>4 that would affect your ability to recall events or</p> <p>5 testify today?</p> <p>6 A. Not that I know of.</p> <p>7 Q. Are you currently taking any medication that</p> <p>8 would affect your ability to testify today?</p> <p>9 A. No.</p> <p>10 Q. Okay. Before we get started, I would like to</p> <p>11 go through some instructions with you. Okay? The first</p> <p>12 is you understand you're under oath and it's the same</p> <p>13 oath that you would take in a court of law?</p> <p>14 A. Yes.</p> <p>15 Q. If at any point today you need to take a break</p> <p>16 for any reason, please let me know. I'm happy to</p> <p>17 accommodate breaks. It's not an endurance test. You</p> <p>18 already want to take one. Okay?</p> <p>19 A. Yes.</p> <p>20 Q. Let us know. Because everything is being</p> <p>21 transcribed today, I ask that you please let me finish</p> <p>22 my question before you answer it. I'll do my best not</p> <p>23 to talk over you when you're answering. And if you can</p> <p>24 let me finish my question so that we get a clear record.</p> <p>25 Okay?</p>
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<p>1 MS. LESNIAK: Kimberly Lesniak for Shell Oil</p> <p>2 Company and Pennzoil-Quaker State Company.</p> <p>3 THE VIDEOGRAPHER: Is there anybody else on the</p> <p>4 line?</p> <p>5 MR. STETSON: Yeah, this is Robert Stetson with</p> <p>6 Kelly-Moore Paint Company.</p> <p>7 THE VIDEOGRAPHER: Counsel will be noted on the</p> <p>8 stenographic record.</p> <p>9 The court reporter is Kim Thrall, and she will</p> <p>10 now swear in the witness.</p> <p>11</p> <p>12 FRED E. OBERLIN,</p> <p>13 having been first duly sworn, testified as follows:</p> <p>14</p> <p>15 EXAMINATION</p> <p>16 BY MR. EDELSTEIN:</p> <p>17 Q. Good morning, Mr. Oberlin.</p> <p>18 A. Good morning.</p> <p>19 Q. We met off the record, but I'll introduce</p> <p>20 myself on the record. My name is David Edelstein. I'm</p> <p>21 an attorney at Archer & Greiner, and we represent</p> <p>22 NL Industries.</p> <p>23 Can you please state and spell your name for</p> <p>24 the record.</p> <p>25 A. Fred E. Oberlin, O-b-e-r-l-i-n.</p>	<p>1 A. (Witness nods head.)</p> <p>2 Q. If you don't hear or understand something I ask</p> <p>3 today, if I talk too fast or it's a confusing question,</p> <p>4 please let me know. I want to make sure you heard and</p> <p>5 understood the questions I intended. Okay?</p> <p>6 A. Yes.</p> <p>7 Q. Okay. If at any point today there's an</p> <p>8 objection, please let us work out the objection before</p> <p>9 you answer. It may be that it's okay to answer. It may</p> <p>10 be that you're not supposed to answer that question.</p> <p>11 Okay?</p> <p>12 A. Yes.</p> <p>13 Q. Okay. Can you briefly describe for me your</p> <p>14 educational background?</p> <p>15 A. I attended Fenn College in Cleveland for</p> <p>16 approximately four years at night.</p> <p>17 Q. When did you attend college?</p> <p>18 A. I think it was 1937 to 1941, but I'm not</p> <p>19 positive at this stage.</p> <p>20 Q. Okay. Did you go directly from high school to</p> <p>21 college?</p> <p>22 A. Pretty much, yes.</p> <p>23 Q. Okay. Did you work in between high school and</p> <p>24 college?</p> <p>25 A. Odd jobs.</p>

<p style="text-align: right;">Page 10</p> <p>1 Q. Okay. Did you have a major while you were in 2 college or a course of study that you were focusing on? 3 A. Chemical engineering. 4 Q. What classes were you taking? 5 A. I was taking -- I had four different chemistry 6 classes -- courses: General, quantitative analysis, 7 qualitative analysis through organic chemistry. 8 Q. You indicated that you were going to school at 9 night. Were you also working while you were in college? 10 A. Yes. 11 Q. Where were you working? 12 A. At first I was working at Ferro- -- at Reilly 13 Tar -- Tar & Chemical Company. 14 Q. Can you do us a favor and spell that for the 15 court reporter if you can? 16 A. R-e-i-l-l-y; Tar, T-a-r; and Chemical. 17 Q. What were you doing at Reilly Tar & Chemical? 18 A. I was working in their laboratory testing 19 finished product. 20 Q. What products did Reilly Tar & Chemical 21 manufacture? 22 A. Well, they processed the coal tar that came 23 from the coal tar coke ovens in Cleveland to make road 24 tar all the way through to making various chemicals. 25 Some of it even went as far as being submedicinal.</p>	<p style="text-align: right;">Page 12</p> <p>1 This was during World War II. We also made 2 paints for -- 3 Q. I'm sorry. You made paints for something? 4 A. For -- for governmental paints. 5 Q. Okay. What kind of paints were those? 6 A. Paints for shells. Paints for pipelines. 7 Q. Were these oil-based paints? water-based 8 paints? 9 A. They were, at that time, it was all oil base. 10 I shouldn't say oil based, they were solvent based. 11 Q. Okay. Did you have any involvement in the 12 paint-production process at Ferro Corporation? 13 A. Production, no. But the produc- -- or the 14 manufacture of the paints, I was formulating some of 15 them. 16 Q. You were working in the lab helping to develop 17 the formulations for the paints that -- 18 A. Correct. 19 Q. -- were being processed? 20 A. Correct. 21 Q. Did you have any involvement in production for 22 the baking enamels? 23 A. Yes. 24 Q. You were actually -- 25 A. Not the production.</p>
<p style="text-align: right;">Page 11</p> <p>1 Q. When you say you were testing finished product, 2 what did that entail? 3 A. Checking viscosity, checking boiling points, 4 checking melting points, checking carbon composition of 5 coke. 6 Q. Were you doing any R&D in that lab or was it 7 all finished-product testing? 8 A. It was all finished-product testing. 9 Q. Were you involved in any way in the processing 10 of the coal tar or the development of the process? 11 A. No. 12 Q. How long were you at Reilly Tar & Chemical? 13 A. I think it was two years. 14 Q. Did you start working somewhere else after 15 Reilly Tar & Chemical? 16 A. I started working at Ferro Corporation, 17 F-e-r-r-o. 18 Q. Was that also in Cleveland? 19 A. Yes. 20 Q. What did Ferro Corporation do? 21 A. Their basic product was making porcelain enamel 22 for home goods. However, I worked in a department they 23 called VEDOC, versatile economical durable organic 24 coatings, was the making of baking enamels for washing 25 machines, refrigerators, and that type of goods.</p>	<p style="text-align: right;">Page 13</p> <p>1 Q. Again, in the lab -- 2 A. Again in the laboratory. Development. 3 MS. O'BRIEN: Let him finish the question 4 before you start talking. 5 THE WITNESS: I'm sorry. 6 MS. O'BRIEN: No, no, no. I just want to make 7 sure we have a clean record. No criticism. 8 BY MR. EDELSTEIN: 9 Q. And that's my fault as much as it is yours. So 10 I'll do better, also. I promise. 11 Did you have any involvement in the production 12 of the porcelain enamels? 13 A. No. 14 Q. In the lab, were you helping develop 15 formulations for the porcelain enamels? 16 A. No. 17 Q. If I understand correctly, then, you were in 18 the lab helping develop formulations for the baking 19 enamels and the paints? 20 A. Yes. 21 Q. Okay. Did you primarily work with respect to 22 one of those two products, the baking enamels versus the 23 paints? 24 A. I didn't understand. 25 Q. Sure. Was your time equally spent developing</p>

<p style="text-align: right;">Page 14</p> <p>1 the formulations for the baking enamels and the paints?</p> <p>2 A. It depended upon the time of the year or the</p> <p>3 year.</p> <p>4 Q. Okay.</p> <p>5 A. Whether we were in domestic production or war</p> <p>6 production.</p> <p>7 Q. Okay. During the period of time you were in</p> <p>8 war production, were you primarily focused on the</p> <p>9 formulate -- developing the formulations for the paints?</p> <p>10 A. Yes. To meet federal specifications.</p> <p>11 Q. Was that through -- were you involved in that</p> <p>12 process throughout the war?</p> <p>13 A. Pretty much, yes.</p> <p>14 Q. Okay. Can you describe the different materials</p> <p>15 that were used in the paints that were being produced by</p> <p>16 Ferro Corporation?</p> <p>17 A. The industrial paints were baked enamels made</p> <p>18 from alkyne resins, urea formaldehyde, melamine</p> <p>19 formaldehyde, solvents of course.</p> <p>20 Q. These are the baking enamels --</p> <p>21 A. Baking enamels, yes.</p> <p>22 Q. -- that you described?</p> <p>23 What about the paints that were being developed</p> <p>24 for the military? Do you know what products were used</p> <p>25 in the development of those? What raw materials were</p>	<p style="text-align: right;">Page 16</p> <p>1 A. The basic trade name of the company was -- for</p> <p>2 that division was VEDOC.</p> <p>3 Q. Okay. While you were at Ferro Corporation,</p> <p>4 were you involved in any trade associations or</p> <p>5 organizations?</p> <p>6 A. I was a member of the Cleveland Society for</p> <p>7 Coatings Technology.</p> <p>8 Q. Cleveland Society for Coating Technology?</p> <p>9 A. Yes.</p> <p>10 Q. What was that?</p> <p>11 A. It was an organization of the various chemists</p> <p>12 in the Cleveland area that would meet on a monthly basis</p> <p>13 to hear technical papers and so forth.</p> <p>14 Q. And was this society focused primarily on the</p> <p>15 development of baking enamels and paints?</p> <p>16 A. Basically it was the entire paint industry.</p> <p>17 Q. Did it put out a publication?</p> <p>18 A. I didn't understand that fully.</p> <p>19 Q. Sure. How frequently did the society meet?</p> <p>20 A. Once a month.</p> <p>21 Q. And as part of those meetings, was a trade</p> <p>22 publication developed or newsletters developed?</p> <p>23 A. I don't recall.</p> <p>24 Q. Okay. Other than that society, were you</p> <p>25 involved in any other trade associations or trade</p>
<p style="text-align: right;">Page 15</p> <p>1 used in the formulations for the paints the -- that were</p> <p>2 used by the military?</p> <p>3 A. Generally, they were mostly alkyds.</p> <p>4 Q. Can you explain --</p> <p>5 A. Of course pigments, solvents.</p> <p>6 Q. Can you explain what an alkyd is to me?</p> <p>7 A. An alkyd is a cooked material which is a</p> <p>8 product of glycerin, oil, phthalic anhydride, solvent.</p> <p>9 Q. When you say "oil," do you know what kind of</p> <p>10 oil was used in the development of the alkyds?</p> <p>11 A. They were vegetable oils, in general.</p> <p>12 Q. When you say "solvents," can you tell me what</p> <p>13 solvents were used?</p> <p>14 A. It depended upon the type, the length of oil</p> <p>15 content. It could be aliphatic or aromatic solvents.</p> <p>16 Q. Do you know what --</p> <p>17 A. Or, in addition, some alcohols.</p> <p>18 Q. And did Ferro Corporation publicly market these</p> <p>19 paints that it was developing or were they strictly</p> <p>20 being developed under contract with the military, if you</p> <p>21 know?</p> <p>22 A. They were -- they were marketed to man- --</p> <p>23 man- -- manufacturers who were manufacturing articles</p> <p>24 for the government.</p> <p>25 Q. Okay. Was it sold under a trade name?</p>	<p style="text-align: right;">Page 17</p> <p>1 organizations?</p> <p>2 A. Not in the Cleveland area.</p> <p>3 Q. Okay. How about -- oh, you mean not while you</p> <p>4 were working at Ferro Corporation?</p> <p>5 A. Right.</p> <p>6 Q. Okay. Later on you became involved in other</p> <p>7 trade organizations; is that correct?</p> <p>8 A. I -- I was involved in the Los Angeles society,</p> <p>9 which is also part of the same national paint</p> <p>10 association.</p> <p>11 Q. Okay. And we'll get there. We'll get there.</p> <p>12 This Cleveland society was part of a national</p> <p>13 organization, though?</p> <p>14 A. Yes.</p> <p>15 Q. Did you ever participate in national meetings?</p> <p>16 A. I was a member of the -- the national labeling</p> <p>17 committee of the paint and varnish group in Washington,</p> <p>18 D.C.</p> <p>19 Q. And you were a member of that committee during</p> <p>20 this time period?</p> <p>21 A. Yes.</p> <p>22 Q. What was that committee?</p> <p>23 A. They worked on proper warning labels and so</p> <p>24 forth for paint products on a national basis.</p> <p>25 Q. What was your role in that committee?</p>

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<p>1 A. Just a member.</p> <p>2 Q. Okay. Were you an active member?</p> <p>3 A. Pardon?</p> <p>4 Q. Were you an active member?</p> <p>5 A. Yes.</p> <p>6 Q. While you were at Ferro Corporation, did you</p> <p>7 have any experience with varnish production?</p> <p>8 A. No.</p> <p>9 Q. How long were you at Ferro Corporation?</p> <p>10 A. I worked totally at Ferro for just over ten</p> <p>11 years.</p> <p>12 Q. Can you help put me back into the chronology</p> <p>13 where timewise this is?</p> <p>14 A. 1940 to 1950 -- through '50.</p> <p>15 Q. Were you in Cleveland for Ferro Corporation</p> <p>16 throughout that time period?</p> <p>17 A. No. I spent two years. I got transferred to</p> <p>18 Los Angeles, where they opened a plant in Los Angeles,</p> <p>19 and they had me come out to be the chemist.</p> <p>20 Q. When were you transferred? Was that 1948?</p> <p>21 A. About '48, yes.</p> <p>22 Q. Were operations in the LA plant at Ferro</p> <p>23 Corporation different than operations in Cleveland?</p> <p>24 A. It was a lot smaller plant. We didn't have the</p> <p>25 same baking enamel customers that they would have in the</p>	<p>1 Q. Was it also then applying the enamel to the</p> <p>2 fenceposts?</p> <p>3 A. No.</p> <p>4 Q. Okay. So that process you just described of</p> <p>5 dipping the fencepost, that occurred at a different</p> <p>6 facility?</p> <p>7 A. That -- that occurred at the -- at the client's</p> <p>8 plant.</p> <p>9 Q. Okay. As far as the production of the enamels,</p> <p>10 was production of a baking enamel different than</p> <p>11 production of a fencepost enamel?</p> <p>12 A. Well, the fencepost enamel had to be faster</p> <p>13 drying because it wasn't going through the normal baking</p> <p>14 process.</p> <p>15 Q. Okay. Were the raw materials used in the</p> <p>16 enamels different?</p> <p>17 A. To some extent, yes.</p> <p>18 Q. How so?</p> <p>19 A. They had to be different alkyd resins and hard</p> <p>20 resins so that there was a fast evaporation and -- and</p> <p>21 further drying with the -- after the quick warmup</p> <p>22 process that they used to -- they call it baking.</p> <p>23 Q. Were PCBs used in any of those processes?</p> <p>24 A. Yes. There was some PCB used in the fencepost</p> <p>25 enamel.</p>
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<p>1 Cleveland -- or the Midwest. So it was hunt and serve</p> <p>2 for what you could get as far as customers were</p> <p>3 concerned.</p> <p>4 Q. Okay. That was a poorly worded question.</p> <p>5 Were the products that were developed the same</p> <p>6 at the two plants?</p> <p>7 A. The products developed were developed for each</p> <p>8 individual customer.</p> <p>9 Q. Okay. I assume by 1948 you were no longer</p> <p>10 making the paints for wartime production; is that</p> <p>11 correct?</p> <p>12 A. Oh, that's correct.</p> <p>13 Q. So was the focus at the LA plant, then, on the</p> <p>14 baking enamels?</p> <p>15 A. Baking enamels and also fencepost enamel.</p> <p>16 Q. How was fencepost enamel different than baking</p> <p>17 enamel?</p> <p>18 A. Well, a fencepost manufacturer was a very crude</p> <p>19 manufacturer who had a big dip tank and you dipped these</p> <p>20 fenceposts into the dip tank. They would come out and</p> <p>21 drain slightly, go through a line, slightly force dried</p> <p>22 and then packaged.</p> <p>23 Q. Was Ferro actually manufacturing the enamel</p> <p>24 that went on the fenceposts?</p> <p>25 A. Yes.</p>	<p>1 Q. Okay. And that was used at Ferro Corporation?</p> <p>2 A. I'm sorry. No. No.</p> <p>3 Q. There were not --</p> <p>4 A. I answered some of these questions incorrect.</p> <p>5 It wasn't at Ferro. This was later on.</p> <p>6 Q. Okay. And we'll get there. Okay?</p> <p>7 A. Okay.</p> <p>8 Q. If I understand correctly, then, at -- and</p> <p>9 let's backtrack a little bit, at the LA plant, was it</p> <p>10 primarily baking enamels that were being manufactured?</p> <p>11 A. Yes. Yes.</p> <p>12 Q. Okay. Were fencepost enamels manufactured</p> <p>13 there at all?</p> <p>14 A. No.</p> <p>15 Q. Okay. Perfect.</p> <p>16 And you were at Ferro in LA from 1948 to 1950?</p> <p>17 Is that what you testified to?</p> <p>18 A. Yes.</p> <p>19 Q. What was your job title during that time?</p> <p>20 A. Chemist.</p> <p>21 Q. Chemist?</p> <p>22 A. Yes.</p> <p>23 Q. Were you overseeing -- did you have somebody</p> <p>24 that you reported to?</p> <p>25 A. The manager.</p>

<p style="text-align: right;">Page 22</p> <p>1 Q. Okay. Within the lab, did you have anybody</p> <p>2 that you reported to?</p> <p>3 A. No.</p> <p>4 Q. You were in charge of the lab?</p> <p>5 A. Yes.</p> <p>6 Q. Where did you work after Ferro Corporation?</p> <p>7 A. National Lab company in Los Angeles,</p> <p>8 California.</p> <p>9 Q. So from Ferro you started working at NL?</p> <p>10 A. Yes.</p> <p>11 Q. And you were working at their Los Angeles</p> <p>12 facility?</p> <p>13 A. Yes.</p> <p>14 Q. Do you know where that facility was located?</p> <p>15 A. I'm sorry?</p> <p>16 Q. Do you know where that facility was located</p> <p>17 within LA?</p> <p>18 A. 2240 East --</p> <p>19 Q. What was manu- --</p> <p>20 A. No, wait a minute. I'm sorry. 3113 East 26th</p> <p>21 Street in Vernon.</p> <p>22 Q. Okay. What were your -- what was your job</p> <p>23 title at NL?</p> <p>24 A. I originally started as an industrial chemist.</p> <p>25 Later on I became chief chemist of Los Angeles.</p>	<p style="text-align: right;">Page 24</p> <p>1 A. No.</p> <p>2 Q. Okay. And the LA Society for Coating</p> <p>3 Technology, that was part of a larger national society?</p> <p>4 A. Yes.</p> <p>5 Q. And it did the same things you talked about</p> <p>6 earlier?</p> <p>7 A. Yes.</p> <p>8 Q. Okay. What was the nature of the operations at</p> <p>9 the LA facility?</p> <p>10 A. We made industrial paints, and we also made</p> <p>11 paints for the homeowner.</p> <p>12 Q. It was a manufacturing facility?</p> <p>13 A. Yes.</p> <p>14 Q. Okay. Was anything, other than industrial</p> <p>15 paints and homeowner paints, manufactured at the</p> <p>16 facility?</p> <p>17 A. No.</p> <p>18 Q. Varnishes were not --</p> <p>19 A. Not -- not -- pardon?</p> <p>20 Q. Varnishes were not manufactured there?</p> <p>21 A. No varnishes was manufactured there.</p> <p>22 Q. Alkyds weren't manufactured there?</p> <p>23 A. Well, we did make some traffic paints.</p> <p>24 Q. Did you say traffic paints?</p> <p>25 A. Yes.</p>
<p style="text-align: right;">Page 23</p> <p>1 Q. Was there a difference in job responsibilities</p> <p>2 going from industrial chemist to chief chemist?</p> <p>3 A. Well, I was in charge of controls as well, as</p> <p>4 the chief chemist, that I wasn't in charge of it as</p> <p>5 industrial chemist.</p> <p>6 Q. When you say "in charge of controls," what do</p> <p>7 you mean?</p> <p>8 A. The controls of the paints before they went to</p> <p>9 the customer; in other words, to see whether they met</p> <p>10 specifications.</p> <p>11 Q. While you were working in LA, did you continue</p> <p>12 to be involved in any trade associations?</p> <p>13 A. Yes. The same organization, Los Angeles</p> <p>14 Society for Paints -- Los Angeles Society for Coatings</p> <p>15 Technology. I was --</p> <p>16 Q. Were you a member of any -- I'm sorry. I</p> <p>17 interrupted you.</p> <p>18 A. At which, just before leaving for</p> <p>19 San Francisco, I was president of it.</p> <p>20 Q. We'll get to San Francisco. But before --</p> <p>21 while you were in LA, you were the president of the LA</p> <p>22 Society for Coating Technology?</p> <p>23 A. Yes.</p> <p>24 Q. Okay. Were you a member of any other trade</p> <p>25 associations?</p>	<p style="text-align: right;">Page 25</p> <p>1 Q. Is that like paints used on roads?</p> <p>2 A. Yes.</p> <p>3 Q. Okay. But that would still fall within paint</p> <p>4 manufacture?</p> <p>5 A. Yes.</p> <p>6 Q. Were alkyds manufactured there?</p> <p>7 A. No.</p> <p>8 Q. Were lacquers manufactured there?</p> <p>9 A. Vinyls.</p> <p>10 Q. Vinyls did you say?</p> <p>11 A. Vinyls, yes.</p> <p>12 Q. Okay.</p> <p>13 A. V-y-n-a-l (sic).</p> <p>14 Q. Okay. Were any of the raw materials used in</p> <p>15 the paint production process manufactured in LA?</p> <p>16 A. No.</p> <p>17 Q. Okay. When you say industrial paints were</p> <p>18 manufactured in LA, can you give me a better</p> <p>19 understanding of what constituted an industrial paint?</p> <p>20 A. It would be a baking enamel or an air-dry</p> <p>21 enamel for anything including bedsprings, furnace</p> <p>22 jackets.</p> <p>23 Q. And was the manufacturing process for the</p> <p>24 industrial paints at the LA facility similar to the</p> <p>25 manufacturing process for the baking enamels you</p>

<p style="text-align: right;">Page 26</p> <p>1 described that occurred at the Ferro Corporation?</p> <p>2 A. Some of the -- some of the equipment was</p> <p>3 different.</p> <p>4 Q. Okay.</p> <p>5 A. We had ball mills and roller mills. Where in</p> <p>6 Cleveland, they had Baker Perkins dough mixers and so</p> <p>7 forth to make the mostly white paints for the</p> <p>8 refrigerators and so forth.</p> <p>9 Q. Okay. Were the materials used similar?</p> <p>10 A. They were similar materials.</p> <p>11 Q. Okay. What about with respect to homeowner</p> <p>12 paints? When you indicate that homeowner paints were</p> <p>13 manufactured, what is a homeowner paint?</p> <p>14 A. Oil paints for homes, solid paints for</p> <p>15 siding -- for trim, interior enamels. Interior and</p> <p>16 exterior enamels, generally.</p> <p>17 Q. Would this category have included the fencepost</p> <p>18 enamels that you were talking about earlier?</p> <p>19 A. I didn't understand it exactly.</p> <p>20 Q. Sure. Earlier we had been talking a little bit</p> <p>21 about fencepost enamels --</p> <p>22 A. Yes.</p> <p>23 Q. -- that you had described were manufactured.</p> <p>24 Were those fencepost enamels manufactured at NL's LA</p> <p>25 facility?</p>	<p style="text-align: right;">Page 28</p> <p>1 the transition. When I left LA, they were still making</p> <p>2 white-lead house paints, so that transition happened</p> <p>3 later when we got to San Francisco.</p> <p>4 Q. Okay. So that during the time that you were in</p> <p>5 LA was the majority of the paint white-lead-based oil</p> <p>6 paints?</p> <p>7 A. I wouldn't say the majority, but a good</p> <p>8 proportion.</p> <p>9 Q. Okay. Were PCBs used in the manufacture of</p> <p>10 those paints?</p> <p>11 A. Not in homeowners paints, no.</p> <p>12 Q. Okay. Were PCBs used in the manufacture of any</p> <p>13 paints that were manufactured at the NL LA facility?</p> <p>14 A. I used some PCBs in the -- in the fencepost</p> <p>15 enamel.</p> <p>16 Q. Okay. How was the fencepost enamel different</p> <p>17 than the other paints that were being manufactured in</p> <p>18 LA?</p> <p>19 A. It had to be very fast drying. It had to have</p> <p>20 stability in the dip tanks because you're continuously</p> <p>21 putting oxygen into the dip tanks with all these</p> <p>22 fenceposts dropping into a 500-gallon dip tank being</p> <p>23 pulled out.</p> <p>24 I would say it had to be fast drying because it</p> <p>25 just got a little bit of heat and it was bundled up</p>
<p style="text-align: right;">Page 27</p> <p>1 A. Yes.</p> <p>2 Q. What ingredients were used in the oil paints</p> <p>3 that were manufactured at NL's LA facility?</p> <p>4 A. It was an ongoing process depending upon what</p> <p>5 the industry was doing. When I first got there, the oil</p> <p>6 paints were white lead and oil, zinc oxide, talc. Later</p> <p>7 on it became more alkyd-type paints.</p> <p>8 Gradually the solid-based paints were taken</p> <p>9 over by water-based paints, which would be for both the</p> <p>10 stucco and siding paints as well as wall paints and</p> <p>11 the -- and the enamels in the homes.</p> <p>12 Q. How long were you in LA?</p> <p>13 A. Ten years.</p> <p>14 Q. So from 1950 until roughly 1960?</p> <p>15 A. Well, until '61, actually.</p> <p>16 Q. Were different materials --</p> <p>17 A. Correction. I started in NL in '51.</p> <p>18 Q. Okay. Okay. You had described some changes in</p> <p>19 the types of paints that were developed over time. Did</p> <p>20 that transition occur while you were in LA?</p> <p>21 A. Much of it, yes.</p> <p>22 Q. Okay. And you had described a transition from</p> <p>23 an oil-based paint to an alkyd-based paint; is that</p> <p>24 correct?</p> <p>25 A. I -- I think that I made a mistake in saying</p>	<p style="text-align: right;">Page 29</p> <p>1 and -- and shipped.</p> <p>2 Q. Okay. How were PCBs used in the manufacture of</p> <p>3 the fencepost enamels in LA?</p> <p>4 A. It was used as a hard resin to -- to help the</p> <p>5 solvent release.</p> <p>6 Q. It was added to the resin?</p> <p>7 A. It was added to the resin in the paint</p> <p>8 manufacture.</p> <p>9 Q. Do you know who supplied the PCBs?</p> <p>10 A. Monsanto.</p> <p>11 Q. Do you know what PCB was used?</p> <p>12 A. 5460.</p> <p>13 Q. That's -- and RO45460 was the number?</p> <p>14 A. Yes.</p> <p>15 Q. Are you aware of any other PCBs used at the LA</p> <p>16 facility?</p> <p>17 A. No.</p> <p>18 Q. Do you know what the packaging looked like on</p> <p>19 the materials that you received from Monsanto?</p> <p>20 A. I don't recall.</p> <p>21 Q. Do you have any idea about the quantities that</p> <p>22 would have been used at the LA facility?</p> <p>23 A. No, I don't.</p> <p>24 Q. Okay. Do you have an idea about how much of --</p> <p>25 how much resin was used in the development of the</p>

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<p>1 enamel?</p> <p>2 A. At the present time, I don't.</p> <p>3 Q. Okay. Was it a small portion of the overall</p> <p>4 formulation?</p> <p>5 A. I would say general, yes.</p> <p>6 Q. And do you have an idea about what portion of</p> <p>7 the resin PCBs were?</p> <p>8 A. I'm guessing less than 20 percent.</p> <p>9 Q. Okay. So, if I understand correctly, PCBs made</p> <p>10 up less than 20 percent of the resin which made up a</p> <p>11 small portion of the overall formulation of the enamel?</p> <p>12 A. Yes.</p> <p>13 Q. Was that fencepost enamel manufactured</p> <p>14 throughout the time period you were at LA?</p> <p>15 A. No.</p> <p>16 Q. Do you know what time period it was</p> <p>17 manufactured?</p> <p>18 A. Early '50s.</p> <p>19 Q. Okay. Was that manufactured for a particular</p> <p>20 customer?</p> <p>21 A. Yes.</p> <p>22 Q. Do you know who that customer was?</p> <p>23 A. I don't recall.</p> <p>24 Q. But it's your understanding that that customer</p> <p>25 was only a customer during the early '50s?</p>	<p>1 chemist in LA to the time you were technical supervisor</p> <p>2 in San Francisco was that in San Francisco you now had</p> <p>3 responsibility for all of the West Coast facilities?</p> <p>4 A. Yes.</p> <p>5 Q. Okay. Did you continue to be involved in any</p> <p>6 trade associations while you were working for NL in</p> <p>7 San Francisco?</p> <p>8 A. Yes. The San Francisco --</p> <p>9 Q. Society for Coating?</p> <p>10 A. -- Society -- right.</p> <p>11 Q. Were you president of that?</p> <p>12 A. It was the Golden Gate. I'm sorry. Not</p> <p>13 San Francisco. It was the Golden Gate Society.</p> <p>14 Q. Did you have a title within the Golden Gate</p> <p>15 Society?</p> <p>16 A. No, I didn't.</p> <p>17 Q. Were you involved in any other trade</p> <p>18 associations?</p> <p>19 A. No.</p> <p>20 Q. Did NL have any other facilities in</p> <p>21 San Francisco at that time?</p> <p>22 A. They had a facility at Marin Street, which was</p> <p>23 a --</p> <p>24 Q. Okay. And I'll sort of ask generally about</p> <p>25 both of those facilities. At the 24th Street facility,</p>
Page 31	Page 33
<p>1 A. I understand there's no more steel mills in LA.</p> <p>2 Q. Okay. Were there any other customers that</p> <p>3 you're aware of for which PCBs were used --</p> <p>4 A. No.</p> <p>5 Q. -- in their product formulations?</p> <p>6 A. Pardon me. No.</p> <p>7 Q. Okay. If I understand you correctly, in about</p> <p>8 1961 you moved from NL's LA facility to its</p> <p>9 San Francisco facility?</p> <p>10 A. '61, yes.</p> <p>11 Q. Okay. Do you know where that facility was</p> <p>12 located?</p> <p>13 A. 2240 24th Street.</p> <p>14 Q. Do you know why you were transferred?</p> <p>15 A. I transferred to take over the West Coast</p> <p>16 laboratories for Dutch Boy paint.</p> <p>17 Q. There were labs in LA, correct?</p> <p>18 A. There was still a laboratory in LA, a</p> <p>19 laboratory in Seattle. I was in charge for all of them</p> <p>20 plus controls.</p> <p>21 Q. Okay. Was there a change in job title</p> <p>22 associated with the move to San Francisco?</p> <p>23 A. Technical supervisor.</p> <p>24 Q. And if I understand correctly, the difference</p> <p>25 in your responsibilities from the time you were chief</p>	<p>1 was that a manufacturing plant?</p> <p>2 A. Yes.</p> <p>3 Q. What was manufactured at the 24th Street</p> <p>4 facility?</p> <p>5 A. Alkyds for use in the other two plants -- for</p> <p>6 use in both -- or all three plants. Varnishes for the</p> <p>7 use in all three plants. Varnishes for sale to</p> <p>8 customers. Industrial paints. Label varnishes. Again,</p> <p>9 the home products that were used by the -- the</p> <p>10 homeowners.</p> <p>11 Q. Was that fencepost enamel --</p> <p>12 A. No.</p> <p>13 Q. -- manufactured in --</p> <p>14 A. No.</p> <p>15 Q. -- San Francisco?</p> <p>16 A. No.</p> <p>17 Q. Were alkyds manufactured throughout -- well,</p> <p>18 let me backtrack.</p> <p>19 How long were you in San Francisco?</p> <p>20 A. '61 to '70.</p> <p>21 Q. Is it your understanding that the facility then</p> <p>22 closed in 1970?</p> <p>23 A. They closed the facility in 1970, yes.</p> <p>24 Q. Okay. So you were there from '61 until it</p> <p>25 closed?</p>

<p style="text-align: right;">Page 34</p> <p>1 A. Yes.</p> <p>2 Q. Okay. At the time you arrived at the 24th</p> <p>3 Street plant, was it your understanding -- well, let me</p> <p>4 backtrack.</p> <p>5 Were alkyds manufactured at the facility</p> <p>6 throughout the time that you worked there?</p> <p>7 A. Yes.</p> <p>8 Q. Were varnishes manufactured at the</p> <p>9 San Francisco plant throughout the time you worked</p> <p>10 there?</p> <p>11 A. Yes. But in smaller quantities. As -- as</p> <p>12 alkyds increased in volume and in use, varnishes became</p> <p>13 less and less necess- -- of a necessity.</p> <p>14 Q. Were paints manufactured at the 24th Street</p> <p>15 plant --</p> <p>16 A. Yes.</p> <p>17 Q. -- at the time you were there?</p> <p>18 Are you aware of -- was the manufacturing plant</p> <p>19 open seven days a week?</p> <p>20 A. I don't believe so.</p> <p>21 Q. Was it open on weekends?</p> <p>22 A. I don't think so.</p> <p>23 Q. Was it open 24 hours a day?</p> <p>24 A. Yes. I believe so.</p> <p>25 Q. Okay. Was it open on holidays?</p>	<p style="text-align: right;">Page 36</p> <p>1 Can you describe for me the process by which</p> <p>2 alkyds were manufactured?</p> <p>3 A. Well, we had two kettles. One was a</p> <p>4 3,000-gallon kettle, and the other kettle was a</p> <p>5 thousand-gallon kettle. The processes --</p> <p>6 Q. Okay. You were working in the lab, correct?</p> <p>7 A. I was working in the lab.</p> <p>8 Q. Did you have any responsibility for production?</p> <p>9 A. No.</p> <p>10 Q. Okay. You were responsible for developing the</p> <p>11 formulations that were used in production --</p> <p>12 A. Right.</p> <p>13 Q. -- is that correct?</p> <p>14 A. Right.</p> <p>15 Q. Okay. Can you describe for me the formulation</p> <p>16 that was used in the -- for the alkyds?</p> <p>17 A. Again, it would be glycerin, oil, phthalic</p> <p>18 anhydride, maleic anhy- -- or maleic anhydride.</p> <p>19 Q. When you say "oil," would that have been</p> <p>20 vegetable oil?</p> <p>21 A. That would be vegetable oil, yes.</p> <p>22 Q. Okay. Were PCBs used in the manufacture of the</p> <p>23 alkyds?</p> <p>24 A. No.</p> <p>25 Q. Okay. Did the formulation change over the time</p>
<p style="text-align: right;">Page 35</p> <p>1 A. I don't recall.</p> <p>2 Q. Okay. Was production consistent throughout the</p> <p>3 time you were there? Were there periods of low</p> <p>4 production or particularly high production?</p> <p>5 A. Basically I think it was fairly even, on an</p> <p>6 even keel.</p> <p>7 Q. Do you know why the facility was shut down in</p> <p>8 1970?</p> <p>9 A. Tax purposes.</p> <p>10 Q. Okay. Do you know whether or not NL was able</p> <p>11 to fill production through its other facilities on the</p> <p>12 West Coast?</p> <p>13 A. Yes. NL used the facilities at Los Angeles and</p> <p>14 Seattle to make up for the loss of facilities in</p> <p>15 Seattle -- or in San Francisco.</p> <p>16 Q. Do you have an idea about the volume of</p> <p>17 production at the San Francisco facility during the time</p> <p>18 it was open?</p> <p>19 A. I wouldn't have any idea at the moment.</p> <p>20 Q. Okay. And I apologize. That was another</p> <p>21 instruction I should have given you in the very</p> <p>22 beginning. If there's a point you just don't know an</p> <p>23 answer, or, you know, that's perfectly fine to tell me.</p> <p>24 You know, we don't want you to speculate or to guess.</p> <p>25 Okay?</p>	<p style="text-align: right;">Page 37</p> <p>1 that you were overseeing the lab?</p> <p>2 A. Are we talking about alkyds?</p> <p>3 Q. Yes. Yes.</p> <p>4 A. Not tremendously, no.</p> <p>5 Q. Okay. Essentially the same raw materials</p> <p>6 throughout the time period?</p> <p>7 A. Yes.</p> <p>8 Q. Were PCBs ever used in the production of the</p> <p>9 alkyds?</p> <p>10 A. No.</p> <p>11 Q. And if I understand what you had previously</p> <p>12 testified to, the alkyds were used in the paint</p> <p>13 production both in San Francisco and in the other West</p> <p>14 Coast facilities?</p> <p>15 A. Yes.</p> <p>16 Q. Were alkyds also sold?</p> <p>17 A. No.</p> <p>18 Q. There was no packaging of finished product for</p> <p>19 sale?</p> <p>20 A. Not as alkyds, no.</p> <p>21 Q. Okay. With respect to the varnishes that were</p> <p>22 manufactured at the facility, again, you weren't</p> <p>23 involved in overseeing production, correct?</p> <p>24 A. I -- I wasn't overseeing production, no.</p> <p>25 Q. But you were overseeing the formulations of the</p>

<p style="text-align: right;">Page 38</p> <p>1 varnishes in the lab?</p> <p>2 A. By the time I got there, most of the</p> <p>3 formulations were already in use.</p> <p>4 Q. Okay. Do you know who had been in charge of</p> <p>5 the lab before you got there?</p> <p>6 A. Who you say?</p> <p>7 Q. Correct.</p> <p>8 A. Richard Savage.</p> <p>9 Q. Okay. Can you describe the varnish formulation</p> <p>10 that was being used when you got there?</p> <p>11 A. Well, the varnish department would make body</p> <p>12 oils and so forth to be used in house paints. We would</p> <p>13 add driers to oils to make boiled oil so it would dry.</p> <p>14 They would also combine oil, hard resins and solvents to</p> <p>15 make a varnish, cook a varnish.</p> <p>16 Q. Okay. If I understand correctly, the varnish</p> <p>17 was then used in the paint production process?</p> <p>18 A. It could be used in the paint process or some</p> <p>19 of it could be sold as finished product.</p> <p>20 Q. Okay. You had indicated -- were there are any</p> <p>21 changes to the varnish formulation while you were there?</p> <p>22 A. I don't recall.</p> <p>23 Q. Okay. And I believe you had indicated that</p> <p>24 varnish is slowly phased out as alkyds became --</p> <p>25 A. Well, yes, the volume of varnishes dropped</p>	<p style="text-align: right;">Page 40</p> <p>1 San Francisco facility?</p> <p>2 A. No.</p> <p>3 Q. And then, I'm sorry. One more time. Can you</p> <p>4 please describe what else was used in the varnishes?</p> <p>5 You have the oil and you've added the driers. Anything</p> <p>6 else used in the varnish?</p> <p>7 A. Solvent.</p> <p>8 Q. Okay. Do you know what solvents were used?</p> <p>9 A. In varnish, it would probably be mineral</p> <p>10 spirits.</p> <p>11 Q. Okay. And then you indicated that the finished</p> <p>12 varnish product was either packaged for sale or used</p> <p>13 within the paint production; is that correct?</p> <p>14 A. That's correct.</p> <p>15 Q. How was it stored at the facility?</p> <p>16 A. That used in the paint production would be</p> <p>17 stored in 55-gallon drums.</p> <p>18 Q. Okay. And then those -- the varnish in those</p> <p>19 drums would have been poured into the paint?</p> <p>20 A. Into the batches of paint.</p> <p>21 Q. Okay. Do you know what happens to the empty</p> <p>22 varnish drums after it was poured into the paint batch?</p> <p>23 A. I presume that it was sent out to be cleaned.</p> <p>24 Q. Okay. Did you see empty varnish drums at the</p> <p>25 facility while you were there?</p>
<p style="text-align: right;">Page 39</p> <p>1 tremendously as alkyds took over.</p> <p>2 Q. Do you know what time period that transition</p> <p>3 occurred?</p> <p>4 A. That would be later in the -- later in the</p> <p>5 '60s.</p> <p>6 Q. Okay. But, again, it was vegetable oils that</p> <p>7 were used in the varnish; is that correct? I believe</p> <p>8 you had indicated they were oils and then driers were --</p> <p>9 A. They were vegetable oils, yes.</p> <p>10 Q. Okay. And then driers were added?</p> <p>11 A. Yes.</p> <p>12 Q. What were those driers?</p> <p>13 A. For a finished product, they would probably be</p> <p>14 cobalt, naphthenate. Possibly some manganese</p> <p>15 naphthenate and lead naphthenate.</p> <p>16 Q. Do you have an idea about what portion of the</p> <p>17 driers would have been lead driers versus cobalt driers</p> <p>18 versus any of the other driers you described?</p> <p>19 A. Actually the greatest quantity of the drier</p> <p>20 would be lead.</p> <p>21 Q. Okay. And how much drier was used within a</p> <p>22 batch of varnish?</p> <p>23 A. Lead drier, they wrote 5 pounds per a hundred</p> <p>24 gallons of a 24 percent solution.</p> <p>25 Q. Were the lead driers manufactured at the</p>	<p style="text-align: right;">Page 41</p> <p>1 A. On occasion.</p> <p>2 Q. Okay. Do you have an idea about the quantity</p> <p>3 of empty varnish drums there would be on any given day?</p> <p>4 A. No, I wouldn't.</p> <p>5 Q. Do you have an idea about the quantity of</p> <p>6 varnish that would be used in a batch of paint?</p> <p>7 A. We're talking about too many different kinds of</p> <p>8 paint.</p> <p>9 Q. Okay. Okay. To the extent that there were --</p> <p>10 well, how do you mean?</p> <p>11 A. Pardon?</p> <p>12 Q. How do you mean we're talking about -- you mean</p> <p>13 because certain paints weren't used with varnish at all?</p> <p>14 A. There wouldn't be no varnish in it at all.</p> <p>15 Q. Okay. For those paints that were varnish</p> <p>16 based, what percentage of the paint would be varnish, if</p> <p>17 you know?</p> <p>18 A. I'm guessing. It'd probably, 50 to 60 percent.</p> <p>19 Q. Okay.</p> <p>20 MS. O'BRIEN: Guessing or estimating?</p> <p>21 THE WITNESS: Estimating.</p> <p>22 MS. O'BRIEN: Thank you.</p> <p>23 BY MR. EDELSTEIN:</p> <p>24 Q. Do you know how much varnish-based paint would</p> <p>25 be manufactured at one time?</p>

<p style="text-align: right;">Page 42</p> <p>1 A. It would probably be in small quantities like</p> <p>2 100 to 200 gallons.</p> <p>3 Q. Okay. In the course of a day, do you know how</p> <p>4 much -- at highest production, how much varnish-based</p> <p>5 paint would be manufactured in a day? And if you don't</p> <p>6 know, that's perfectly fine.</p> <p>7 A. I don't know.</p> <p>8 MS. O'BRIEN: That one might be a guess.</p> <p>9 BY MR. EDELSTEIN:</p> <p>10 Q. I was just trying to get a sense of the number</p> <p>11 of the varnish drums that may be present at the facility</p> <p>12 at a given time.</p> <p>13 A. Well, are we differentiating between varnish</p> <p>14 and alkyd?</p> <p>15 Q. It's a good question. I'm asking now</p> <p>16 specifically about the varnish, yeah, the number of</p> <p>17 varnish drums.</p> <p>18 A. It would be small quantities.</p> <p>19 Q. Okay. Alkyds, am I correct that alkyds were</p> <p>20 used in the same way at the facility as varnish? It was</p> <p>21 added to --</p> <p>22 A. Added to paint, yes.</p> <p>23 Q. -- paint to form the base for the paint?</p> <p>24 A. Yes.</p> <p>25 Q. And that made up the larger percentage of the</p>	<p style="text-align: right;">Page 44</p> <p>1 Q. Okay. What about a half a truck per day?</p> <p>2 A. That's still high.</p> <p>3 Q. Okay. Were PCBs ever used in the varnish</p> <p>4 formulations?</p> <p>5 A. No.</p> <p>6 Q. Were resins used in the manufacture of the</p> <p>7 alkyds or the varnishes?</p> <p>8 A. Yes. As modifiers, some of the alkyds.</p> <p>9 Q. Okay. And you had talked about in LA that PCBs</p> <p>10 were added to those resins in the manufacture of the</p> <p>11 fencepost enamel?</p> <p>12 A. In the manufacture of the paint itself, not in</p> <p>13 any -- in the paint manufacture.</p> <p>14 Q. Okay. But those PCBs weren't added to the</p> <p>15 resins that were used in the --</p> <p>16 A. No.</p> <p>17 Q. -- varnish manufacture in San Francisco,</p> <p>18 correct?</p> <p>19 A. It was a separate entity.</p> <p>20 Q. Okay. And those PCBs weren't added to the</p> <p>21 resins used in the alkyds manufactured in San Francisco,</p> <p>22 correct?</p> <p>23 A. No.</p> <p>24 Q. Okay. All right. I'm going to, then, shift to</p> <p>25 paint manufacture at the 24th Street facility. Did you</p>
<p style="text-align: right;">Page 43</p> <p>1 paint than the varnish-based paint?</p> <p>2 A. Yes.</p> <p>3 Q. After a batch of alkyds were manufactured, were</p> <p>4 they stored in drums as well?</p> <p>5 A. Yes.</p> <p>6 Q. Okay. And they were treated, handled the same</p> <p>7 way, that the drum was then dumped into the batch of</p> <p>8 paint?</p> <p>9 A. Yes.</p> <p>10 Q. And then the empty alkyd drums were also put</p> <p>11 aside for pickup for reconditioning. Is that your</p> <p>12 understanding?</p> <p>13 A. I think so.</p> <p>14 Q. Okay. Do you have an idea about the number of</p> <p>15 empty alkyd drums that would be present at the facility?</p> <p>16 A. I don't know.</p> <p>17 Q. Okay. Do you know whether or not there would</p> <p>18 be a truckload a day of empty drums? Does that seem</p> <p>19 high? reasonable? low?</p> <p>20 A. It doesn't sound reasonable to me.</p> <p>21 Q. Because it seems high or low?</p> <p>22 A. I think it's high.</p> <p>23 Q. Okay. You think that there would have been</p> <p>24 less drums than that per day?</p> <p>25 A. Yes.</p>	<p style="text-align: right;">Page 45</p> <p>1 have any involvement in overseeing production of the</p> <p>2 paint?</p> <p>3 A. Not production.</p> <p>4 Q. You were in the lab?</p> <p>5 A. I was in the lab.</p> <p>6 Q. And in the lab, did you oversee the formulation</p> <p>7 of the paints that were being manufactured?</p> <p>8 A. Yes.</p> <p>9 Q. Okay. And you described a number of different</p> <p>10 paints that were manufactured at 24th Street plant.</p> <p>11 Starting with the industrial paints, was that the same</p> <p>12 bake enamels that you had described earlier that were</p> <p>13 manufactured by Ferro Corporation in LA?</p> <p>14 A. No. You said "in LA." I'm sorry. I'm just --</p> <p>15 Q. Correct.</p> <p>16 A. -- I jumped to conclusion.</p> <p>17 Q. Okay. Fair enough. The industrial paints that</p> <p>18 were being manufactured at the 24th Street plant in</p> <p>19 San Francisco, were those the same types of industrial</p> <p>20 paints that were being manufactured in the LA facility</p> <p>21 for NL?</p> <p>22 A. At the -- at the time I got there, it was</p> <p>23 mostly going to furnace manufacturers and that type of</p> <p>24 thing for closures for furnaces and so forth, and also</p> <p>25 to go for paper coatings.</p>

<p style="text-align: right;">Page 46</p> <p>1 Q. Okay. What raw materials were used in the</p> <p>2 manufacture of the industrial paints?</p> <p>3 A. Mostly alkyds. And if it was a baking enamel,</p> <p>4 of course, melamine or urea would be in there.</p> <p>5 Q. Were pigments added to any of those industrial</p> <p>6 paints?</p> <p>7 A. Oh, yes.</p> <p>8 Q. Okay. What types of pigments?</p> <p>9 A. Generally the main pigment would be either --</p> <p>10 either titanium plus colored pigments or aluminum.</p> <p>11 Q. Okay. You had also mentioned that label</p> <p>12 varnishes were manufactured at the 24th Street plant.</p> <p>13 What's a label varnish?</p> <p>14 A. Label varnishes were the varnish that went on</p> <p>15 tin cans.</p> <p>16 Q. Were the materials used in the development of</p> <p>17 label varnishes different than the varnishes that were</p> <p>18 used as the base of the paints?</p> <p>19 A. Generally they were styrenated alkyds or</p> <p>20 styrenated oil.</p> <p>21 Q. Any other materials used in those?</p> <p>22 A. Solvent, waxes, driers.</p> <p>23 Q. Okay. What types of driers?</p> <p>24 A. Cobalt manganese.</p> <p>25 Q. I forgot to ask the question. So I'm going to</p>	<p style="text-align: right;">Page 48</p> <p>1 start with a white base, extenders to control the gloss.</p> <p>2 That would be silica or calcium carbonate or asbestine.</p> <p>3 THE COURT REPORTER: What was the last one?</p> <p>4 I'm sorry.</p> <p>5 THE WITNESS: Asbestine.</p> <p>6 BY MR. EDELSTEIN:</p> <p>7 Q. Were PCBs --</p> <p>8 A. I should say talc.</p> <p>9 Q. Okay. Talc.</p> <p>10 Were PCBs ever used in the home-paint products</p> <p>11 that were manufactured --</p> <p>12 A. No.</p> <p>13 Q. -- at the San Francisco plant?</p> <p>14 Were any of the pigments lead pigments?</p> <p>15 A. In the oil-based house paint, yes, which, of</p> <p>16 course, were being used less and less as time went by</p> <p>17 because other solvent-based paints were taking over for</p> <p>18 them.</p> <p>19 Q. Okay. You anticipated my next question, which</p> <p>20 was going to be: Were lead pigments used throughout the</p> <p>21 period of time that you were in San Francisco?</p> <p>22 A. I believe that they were manufactured -- some</p> <p>23 was manufactured up to the end.</p> <p>24 Q. Okay.</p> <p>25 A. But it was just about that time where the</p>
<p style="text-align: right;">Page 47</p> <p>1 backtrack for a minute. On the industrial paints, were</p> <p>2 PCBs ever used in the manufacture of the industrial</p> <p>3 paints --</p> <p>4 A. No.</p> <p>5 Q. -- in San Francisco?</p> <p>6 A. Not to my knowledge.</p> <p>7 Q. Were PCBs ever used in the manufacture of the</p> <p>8 label varnishes?</p> <p>9 A. No.</p> <p>10 Q. And you had also described some home-paint</p> <p>11 products that were manufactured at that 24th Street</p> <p>12 facility. What raw materials were used in the</p> <p>13 manufacture of the home-paint products?</p> <p>14 A. They were probably -- they would be either</p> <p>15 alkyds -- oils and alkyds or water-based products.</p> <p>16 Q. Were varnishes used in those home paints?</p> <p>17 A. Early on as part of the oil paint situation.</p> <p>18 Q. Okay. But then it switched to alkyds?</p> <p>19 A. Yes.</p> <p>20 Q. Okay. Were pigments added to any of the</p> <p>21 home-paint products?</p> <p>22 A. Practically all of them.</p> <p>23 Q. Okay. And what types of pigments were added?</p> <p>24 A. Depending upon the paint, in general, the</p> <p>25 majority of the paint would be used titanium dioxide to</p>	<p style="text-align: right;">Page 49</p> <p>1 transition came where lead paints were knocked out</p> <p>2 altogether.</p> <p>3 Q. And do you have an idea what portion of the</p> <p>4 overall production was home-based paints versus the</p> <p>5 industrial paints or the other types of paints you've</p> <p>6 described?</p> <p>7 A. A quick guess would be 75 percent home.</p> <p>8 Q. Okay. And of that -- the percentage of home</p> <p>9 ba- -- home paints, do you have an idea about, over the</p> <p>10 course of time, what percentage of those would have</p> <p>11 included the lead pigments?</p> <p>12 A. Depending upon the year, when I first got</p> <p>13 there, it would be more than what it was when I left.</p> <p>14 Q. Okay.</p> <p>15 A. But I'm guessing maybe 50 to 25 percent.</p> <p>16 Q. At the time you got there or at the time you</p> <p>17 left?</p> <p>18 A. Sort of an average.</p> <p>19 Q. Okay. Okay. Did NL manufacture the pigments</p> <p>20 at the 24th Street plant?</p> <p>21 A. No.</p> <p>22 Q. At the end of a -- the paint production</p> <p>23 process, was the paint packaged for sale at the 24th</p> <p>24 Street plant?</p> <p>25 A. Yes.</p>

<p style="text-align: right;">Page 50</p> <p>1 Q. How was it packaged?</p> <p>2 A. Mostly in the pints, quarts, ones and fives,</p> <p>3 occasionally a drum.</p> <p>4 Q. When you say "a drum," are you talking about a</p> <p>5 55-gallon drum?</p> <p>6 A. Yeah.</p> <p>7 Q. And then that was packaged for sale?</p> <p>8 A. Or packaged for sale, and this would be</p> <p>9 industrial paints.</p> <p>10 Q. Okay. Were the paints that were produced at</p> <p>11 the 24th Street plant ever be used on site or at any</p> <p>12 other NL facilities?</p> <p>13 A. Some of the paints made in San Francisco were</p> <p>14 shipped to Seattle and Los Angeles because the volume</p> <p>15 was low, so it wouldn't be producing in both places or</p> <p>16 all places.</p> <p>17 Q. Okay. Were the paints manufactured in the 24th</p> <p>18 Street plant ever used on site?</p> <p>19 A. On site you say?</p> <p>20 Q. Yeah. And let me clarify. You had talked</p> <p>21 earlier about after varnishes and alkyds were produced,</p> <p>22 they were stored in drums to be used in the paint</p> <p>23 production process.</p> <p>24 A. Yes.</p> <p>25 Q. Was finished paint product ever stored on site</p>	<p style="text-align: right;">Page 52</p> <p>1 24th Street plant while you worked there?</p> <p>2 A. Finished product?</p> <p>3 Q. Any other products that were manufactured</p> <p>4 there.</p> <p>5 A. Oh, many, many water-based paint products.</p> <p>6 Q. Okay. But that would that fall within the</p> <p>7 home-paint product category, though?</p> <p>8 A. Yes. Yes.</p> <p>9 Q. Okay. Maybe we haven't talked about it. What</p> <p>10 materials were used in the water-based paints?</p> <p>11 A. Polyvinyl acetate, acrylic, styrene butadiene,</p> <p>12 depending upon the formulation and the time.</p> <p>13 Q. Okay.</p> <p>14 A. That's the -- the vehicles.</p> <p>15 Q. Okay.</p> <p>16 A. Pigmentation is mostly titanium dioxide.</p> <p>17 Again, the extended pigments: Talc, silica, calcium</p> <p>18 carbonate. The -- there were also many additives like</p> <p>19 thickenings -- thickeners for the water-based paints and</p> <p>20 so forth. Wetting agents too.</p> <p>21 Q. And are those materials that were used in the</p> <p>22 paint production process?</p> <p>23 A. Yes.</p> <p>24 Q. Okay. At any point were PCBs used in the</p> <p>25 production of any materials at the 24th Street plant?</p>
<p style="text-align: right;">Page 51</p> <p>1 for use in any way at the facility similarly?</p> <p>2 A. Not -- not for use at the facility, no.</p> <p>3 Q. Okay. So it was packaged?</p> <p>4 A. Right.</p> <p>5 Q. The finished product was packaged?</p> <p>6 A. Right.</p> <p>7 MR. EDELSTEIN: I'm about to shift into a</p> <p>8 different topic. So maybe we can take a little bit of a</p> <p>9 break. We've been going about an hour and 15 minutes or</p> <p>10 so. Sound good? Okay.</p> <p>11 THE VIDEOGRAPHER: With the approval of</p> <p>12 counsel, we are going off the record. The time is</p> <p>13 approximately 11:14 a.m.</p> <p>14 (Recess.)</p> <p>15 THE VIDEOGRAPHER: With the approval of</p> <p>16 counsel, we are back on the record. The time is</p> <p>17 approximately 11:25 a.m.</p> <p>18 BY MR. EDELSTEIN:</p> <p>19 Q. Mr. Oberlin, we have talked about the materials</p> <p>20 that were used in a number of products that were</p> <p>21 manufactured at the 24th Street plant. And I just want</p> <p>22 to make sure I haven't missed anything. We've talked</p> <p>23 about alkyds, varnishes, industrial paints, label</p> <p>24 varnishes and home-paint products.</p> <p>25 Were any other products manufactured at the</p>	<p style="text-align: right;">Page 53</p> <p>1 A. No.</p> <p>2 Q. Were pesticides ever used at the 24th Street</p> <p>3 plant?</p> <p>4 A. Yes.</p> <p>5 Q. In what capacity?</p> <p>6 A. We made a wood preservative. It was also</p> <p>7 used -- I don't know how to answer that question quite.</p> <p>8 When you say "pesticides," do you also mean</p> <p>9 preservatives?</p> <p>10 Q. What do you mean by preservatives?</p> <p>11 A. Well, pesticides I take as something to kill</p> <p>12 bugs.</p> <p>13 Q. Okay.</p> <p>14 A. Preservatives would be some -- in-can</p> <p>15 preservatives and so forth so that the paint wouldn't</p> <p>16 spoil.</p> <p>17 Q. Okay.</p> <p>18 A. Or would -- wouldn't mildew on the buildings.</p> <p>19 Q. Okay. Do you know how they arrived at the</p> <p>20 facility?</p> <p>21 A. I'm sorry?</p> <p>22 Q. Do you know how those materials -- were those</p> <p>23 materials that were manufactured at the plant or that</p> <p>24 were used as materials?</p> <p>25 A. They would come in probably in drums.</p>

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<p>1 Q. Okay. Okay. We have talked about there being</p> <p>2 empty alkyd drums and empty varnish drums that were set</p> <p>3 aside for pickup?</p> <p>4 A. Uh-huh.</p> <p>5 Q. And you may not know the answers to these</p> <p>6 questions, so if you don't, just let me know. Do you</p> <p>7 know who picked up those drums?</p> <p>8 A. No, I don't.</p> <p>9 Q. Okay. Do you where they went?</p> <p>10 A. No.</p> <p>11 Q. Do you know what the trucks that picked them up</p> <p>12 looked like?</p> <p>13 A. Seemed to be a high-sided truck.</p> <p>14 Q. Okay. Do you know, did it have a color?</p> <p>15 A. No, I don't remember the color.</p> <p>16 Q. Okay. Do you know whether or not those -- that</p> <p>17 truck also picked up waste that was generated at the</p> <p>18 facility?</p> <p>19 A. I wouldn't know.</p> <p>20 Q. Okay. Were wastes generated in the lab?</p> <p>21 A. There was some waste generated in the lab.</p> <p>22 Q. And how was that handled?</p> <p>23 A. I don't recall.</p> <p>24 Q. Okay. Do you know whether or not it was put</p> <p>25 out with the empty drums that were being picked up?</p>	<p>1 facility.</p> <p>2 Q. Okay. Do you know what portion of the Marin</p> <p>3 Street facility was dedicated to storage of finished</p> <p>4 product versus production?</p> <p>5 A. Oh, 80 percent.</p> <p>6 Q. Was anything other than lacquer manufactured at</p> <p>7 the Marin Street facility?</p> <p>8 A. Some cold cuts that go into varnish.</p> <p>9 Q. Anything else?</p> <p>10 A. I can't think of anything.</p> <p>11 Q. Was lacquer manufactured at the Marin Street</p> <p>12 facility throughout the time you worked in</p> <p>13 San Francisco?</p> <p>14 A. Yes.</p> <p>15 Q. Was that plant closed at the same time the 24th</p> <p>16 Street plant was closed?</p> <p>17 A. Yes.</p> <p>18 Q. Was anything, to the best of your knowledge,</p> <p>19 other than lacquer manufactured at the Marin Street</p> <p>20 facility before you got to San Francisco?</p> <p>21 A. Not that I know of.</p> <p>22 Q. While you were overseeing the lab at the 24th</p> <p>23 Street plant, were you also overseeing the formulations</p> <p>24 for the lacquer that was being manufactured at Marin</p> <p>25 Street?</p>
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<p>1 A. I couldn't tell you.</p> <p>2 Q. Okay. We had talked a little bit and you had</p> <p>3 mentioned that there was a second NL facility on Marin</p> <p>4 Street in San Francisco?</p> <p>5 A. Marin Street.</p> <p>6 Q. Marin Street. What was that facility? What</p> <p>7 were the operations at that facility?</p> <p>8 A. That was our railroad siding to bring tank cars</p> <p>9 in, also our warehouse for finished product, and a plant</p> <p>10 for lacquer cutting.</p> <p>11 Q. The Marin Street facility was serviced by a</p> <p>12 railroad?</p> <p>13 A. I'm sorry?</p> <p>14 Q. The Marin Street facility was serviced by a</p> <p>15 railroad?</p> <p>16 A. Yes.</p> <p>17 Q. Is that why it was served as the warehouse,</p> <p>18 then, because you could store finished product there and</p> <p>19 ship it by rail?</p> <p>20 A. They didn't have a large enough facility for a</p> <p>21 warehouse at our plant.</p> <p>22 Q. Okay.</p> <p>23 A. So finished pro- -- finished product -- most of</p> <p>24 the finished product we stored to be -- for it to be</p> <p>25 shipped to the various destinations from the Marin</p>	<p>1 A. Yes.</p> <p>2 Q. Okay. Did Marin Street operate 24 hours a day?</p> <p>3 A. I don't think so.</p> <p>4 Q. Okay. Was it open seven days a week or the</p> <p>5 five days that the 24th Street plant was open?</p> <p>6 A. I think it was five days.</p> <p>7 Q. Okay. What raw materials were used in the</p> <p>8 manufacture of the lacquer?</p> <p>9 A. Alkyds, nitrocellulose, castor oil, dibutyl</p> <p>10 thaloid, solvents.</p> <p>11 Q. When you say solids, what do you mean?</p> <p>12 A. Solvents.</p> <p>13 Q. Oh, solvents. What solvents?</p> <p>14 A. Mostly ethyl acetate and butyl acetate. Some</p> <p>15 alcohol.</p> <p>16 Q. Were any lead driers used in the production of</p> <p>17 the lacquer?</p> <p>18 A. No drier in lacquer.</p> <p>19 Q. I'm sorry?</p> <p>20 A. No drier in lacquer.</p> <p>21 Q. No lead added to it. Were PCBs used in the</p> <p>22 production of the lacquer?</p> <p>23 A. No.</p> <p>24 Q. Were any pigments added to the lacquer?</p> <p>25 A. Not that I know.</p>

<p style="text-align: right;">Page 58</p> <p>1 Q. The lacquer that was produced at the Marin 2 Street facility, was that then packaged for sale? 3 A. Yes. 4 Q. Was any of that used on site or in the 5 connection with the paint production process at 24th 6 Street? 7 A. I don't recall any. 8 Q. Okay. Do you know how the finished product was 9 packaged? 10 A. Probably quarts and gallons. 11 Q. The alkyds that were used in the lacquer 12 production at the Marin Street facility, were they 13 manufactured at the 24th Street plant? 14 A. Yes. 15 Q. Do you know how they got from the 24th Street 16 plant to the Marin Street facility? 17 A. The traffic back and forth was on more or less 18 flatbed trucks. 19 Q. Were the alkyds shipped in drums? 20 A. They would be, yes. 21 Q. Okay. And then the alkyds would be poured into 22 the batch of -- 23 A. Yes. 24 Q. -- lacquer? 25 A. Yeah.</p>	<p style="text-align: right;">Page 60</p> <p>1 Monsanto while you were working in San Francisco? 2 A. No. 3 Q. Are you aware of any transformers present at 4 the 24th Street plant or the Marin Street facility? 5 A. There must have been transformers, but I can't 6 think of any at the moment. 7 Q. I take it, then, you don't recall there ever 8 being a leak from any of the transformers? 9 A. Huh-uh. 10 Q. Are you aware of any underground storage tanks 11 that were present at the 24th Street plant or the Marin 12 Street facility? 13 A. No. I -- I didn't get into the production end 14 to that extent. 15 Q. Okay. I take it, then, you're not aware of any 16 aboveground storage tanks that were present at either 17 facility? 18 A. There must have been some, but I don't recall. 19 Q. Okay. We had talked a little bit about some 20 trade organizations that you had been a member of. Did 21 you ever receive any rewards or honors from any 22 organizations you were involved with? 23 A. Well, I was elected into the Hangmen Society, 24 which is an honorary society connected with the paint 25 society and -- or people worked on federal</p>
<p style="text-align: right;">Page 59</p> <p>1 Q. Do you know what happened to the empty lacquer 2 drums? 3 A. I would presume that they were treated 4 similarly. 5 Q. Okay. Do you have an idea about the amount of 6 alkyd drums that would be shipped to the Marin Street 7 facility in a day? 8 A. From what I can recall -- recall of our lacquer 9 production, I would say it's very little. 10 Q. Were varnishes ever used in the lacquer 11 production process? 12 A. Not that I know of. 13 Q. Are you aware of PCBs ever being used at the 14 Marin Street facility? 15 A. No. 16 Q. While you were working in San Francisco, are 17 you aware of NL ever ordering anything from Monsanto for 18 use at either the 24th Street plant or the Marin Street 19 facility? 20 A. We may have ordered some melamines. That's -- 21 melamine or urea from Monsanto. That's the only thing I 22 can -- I can recall at this time. 23 Q. Did those melamines or urea have a trade name? 24 A. I don't recall. 25 Q. Did NL ever order any PCBs or Aroclors from</p>	<p style="text-align: right;">Page 61</p> <p>1 specifications, help write specifications. 2 Q. You helped write federal specifications for 3 certain products; is that correct? 4 A. Yes. 5 Q. What products? 6 A. I don't recall any longer. 7 Q. Do you know when you did that? 8 A. It was during the war. 9 Q. Okay. Prior to your work at NL? 10 A. Yes. 11 Q. Okay. After the San Francisco facilities 12 closed in 1970, did you continue to work for NL? 13 A. Yes. I designed and built the new West Coast 14 laboratory in Los Angeles. 15 Q. So you went back to Los Angeles? 16 A. Yes. 17 Q. Okay. Did your job title change? 18 A. No. 19 Q. Were you still responsible for Los Angeles and 20 Seattle? 21 A. Yes. 22 Q. Okay. You mentioned that you built a new lab. 23 What did that entail? 24 A. I'm sorry. 25 Q. You said that you built a new lab at the LA</p>

<p style="text-align: right;">Page 62</p> <p>1 facility?</p> <p>2 A. Yes.</p> <p>3 Q. Was that to address a new product?</p> <p>4 A. That was -- that was because we were developing</p> <p>5 the products for the entire coast rather than for the --</p> <p>6 just the LA area. We needed more room.</p> <p>7 Q. And what new products were you developing?</p> <p>8 A. We were working on the newer water-based paints</p> <p>9 in general, taking the lead out of paints, taking the</p> <p>10 xylyl out of some of the paints, taking -- making the</p> <p>11 paints lead free rather than -- there was no longer a</p> <p>12 lead drier in them, working on alkyd-based house paints.</p> <p>13 Offhand that's all I can think of.</p> <p>14 Q. Were you ever based in the Seattle plant?</p> <p>15 A. No.</p> <p>16 Q. Okay. How long did you work in LA after the</p> <p>17 San Francisco plants closed in 1970?</p> <p>18 A. I worked there until '74 when I was transferred</p> <p>19 to the New Jersey plant -- I mean New Jersey</p> <p>20 laboratory --</p> <p>21 Q. Okay.</p> <p>22 A. -- in West Caldwell.</p> <p>23 Q. And did the nature of your responsibilities</p> <p>24 change at all when you were transferred to the West</p> <p>25 Caldwell facil- -- plant?</p>	<p style="text-align: right;">Page 64</p> <p>1 A. Until they sold out to Sherwin-Williams.</p> <p>2 Q. Okay. So you were in LA from 1977 until when?</p> <p>3 A. Till Sherwin-Williams closed the LA plant.</p> <p>4 Q. When was that?</p> <p>5 A. '83 or '84.</p> <p>6 Q. Okay. So you were in New Jersey from 1974 to</p> <p>7 1977, correct?</p> <p>8 A. Yes.</p> <p>9 Q. And then back in LA from '77 to '84?</p> <p>10 A. (Witness nods head.)</p> <p>11 Q. In 1984 did you go work somewhere else?</p> <p>12 A. No, I didn't work for NL. I worked for Dutch</p> <p>13 Boy paints, which was the name of the holding company</p> <p>14 that bought our paint products, our paint division.</p> <p>15 Q. Okay. That happened in 1977, correct?</p> <p>16 A. Right.</p> <p>17 Q. Okay. And then you moved back to LA. And so</p> <p>18 from 1977 you were working for Dutch Boy?</p> <p>19 A. For them.</p> <p>20 Q. Right.</p> <p>21 A. Until Sherwin-Williams bought them, and then I</p> <p>22 worked for Sherwin-Williams until they closed the LA</p> <p>23 plant. Then I worked for Sherwin-Williams commuting for</p> <p>24 six months to the Emeryville plant --</p> <p>25 Q. Okay.</p>
<p style="text-align: right;">Page 63</p> <p>1 A. Yes. I -- I was sent to West Caldwell along</p> <p>2 with two other men because we were doing a better job</p> <p>3 development-wise on the West Coast than they were doing</p> <p>4 on the East Coast. Ah --</p> <p>5 Q. Okay. How long were you at West -- I'm sorry.</p> <p>6 I didn't mean to cut you off.</p> <p>7 A. They changed technical directors right after I</p> <p>8 got there, and so I got the job of overseeing the</p> <p>9 production of the formulations that would go out to the</p> <p>10 various plants because I understood the facilities of</p> <p>11 the -- the other plants, the West Coast plants that the</p> <p>12 formulators in West Caldwell didn't understand.</p> <p>13 Q. How long were you in West Caldwell?</p> <p>14 A. Close to four years.</p> <p>15 Q. And that takes us up to about 1978?</p> <p>16 A. '77.</p> <p>17 Q. Okay. Did you go work somewhere else for NL at</p> <p>18 that point?</p> <p>19 A. Not for NL.</p> <p>20 Q. You left NL in 1977?</p> <p>21 A. They closed the -- they sold it in '77. But I</p> <p>22 worked for the -- I got transferred back to LA and</p> <p>23 worked for the -- the holding company that bought them.</p> <p>24 Q. Okay. Okay. For how long did you work for the</p> <p>25 holding company?</p>	<p style="text-align: right;">Page 65</p> <p>1 A. -- till I retired in '84.</p> <p>2 Q. Okay. And since 1984, have you been retired?</p> <p>3 A. Yeah.</p> <p>4 Q. So after the San Francisco --</p> <p>5 A. Oh, no, no, no, no. I -- I worked for</p> <p>6 McCloskey varnish for a period of time. It was just a</p> <p>7 part-time job.</p> <p>8 Q. Okay. And that was after 1984?</p> <p>9 A. Yes.</p> <p>10 Q. Okay. After the San Francisco plants closed in</p> <p>11 1970, were you ever back working in San Francisco for</p> <p>12 any entities?</p> <p>13 A. No.</p> <p>14 Q. Did you ever have any responsibility for</p> <p>15 overseeing operations at any facilities in San Francisco</p> <p>16 after 1970?</p> <p>17 A. Not after San Francisco -- not in</p> <p>18 San Francisco, no.</p> <p>19 Q. Okay. And throughout the period of time that</p> <p>20 you worked in LA after San Francisco and then in</p> <p>21 New Jersey, were you working as a chemist at that</p> <p>22 time -- throughout that time period?</p> <p>23 A. Not strictly as a chemist, but in a technical</p> <p>24 nature.</p> <p>25 Q. Okay. Overseeing formulation of paint-related</p>

<p style="text-align: right;">Page 66</p> <p>1 products?</p> <p>2 A. Yes.</p> <p>3 Q. Okay. Did you ever hear of an entity known as</p> <p>4 Bedini Brothers Company?</p> <p>5 A. Pardon?</p> <p>6 Q. The Bedini Brothers, did you ever hear --</p> <p>7 A. I've heard the name.</p> <p>8 Q. Do you know in what capacity you've heard the</p> <p>9 name?</p> <p>10 A. No.</p> <p>11 Q. Okay. Have you ever heard the name Myers Drum</p> <p>12 Company?</p> <p>13 A. It seems to me it was a drum company.</p> <p>14 Q. You've heard that name?</p> <p>15 A. Yes.</p> <p>16 Q. Do you know in what capacity?</p> <p>17 A. We may have bought drums from them. I'm not</p> <p>18 sure.</p> <p>19 Q. Okay. Did you ever hear of a site known as the</p> <p>20 Bay Area Drum site?</p> <p>21 A. No.</p> <p>22 Q. Okay. Other than in connection with this</p> <p>23 deposition, have you ever heard -- did you hear that</p> <p>24 name while you were working at NL?</p> <p>25 A. I don't recall.</p>	<p style="text-align: right;">Page 68</p> <p>1 Q. So in no particular order are these questions.</p> <p>2 All right. You testified as to your -- my</p> <p>3 questions first of all will relate primarily to the 24th</p> <p>4 Street facility in San Francisco, which I believe was</p> <p>5 often referred to as the varnish plant. Is that fair?</p> <p>6 As opposed to the lacquer plant at the Marin Street.</p> <p>7 A. That's -- that's correct. It would be paint</p> <p>8 plant.</p> <p>9 Q. Paint plant. All right.</p> <p>10 In your -- and I'm sorry -- could you tell me</p> <p>11 again your position at -- for the western region when</p> <p>12 you were at the paint plant in San Francisco?</p> <p>13 MR. EDELSTEIN: Object to form.</p> <p>14 THE WITNESS: I was in charge of development</p> <p>15 and control of all three laboratories. When I say</p> <p>16 "three laboratories," the three plant laboratories.</p> <p>17 That's Seattle, Los Angeles and Cleveland -- not</p> <p>18 Cleveland -- San Francisco. And also the varnish and</p> <p>19 vehicle group. We -- we had an alkyd laboratory. I was</p> <p>20 in charge of that too.</p> <p>21 BY MR. van AELSTYN:</p> <p>22 Q. Where was it located?</p> <p>23 A. Seattle -- oh, Seattle. I'm getting confused.</p> <p>24 San Francisco, 24th and Kansas.</p> <p>25 Q. So it was part of the same facility there?</p>
<p style="text-align: right;">Page 67</p> <p>1 Q. Okay.</p> <p>2 MR. EDELSTEIN: Can we go off the record for</p> <p>3 two minutes?</p> <p>4 THE VIDEOGRAPHER: With the approval of</p> <p>5 counsel, we are going off the record. The time is</p> <p>6 approximately 11:49 a.m.</p> <p>7 (Recess.)</p> <p>8 THE VIDEOGRAPHER: With the approval of</p> <p>9 counsel, we are back on the record. The time is</p> <p>10 approximately 11:52 a.m.</p> <p>11</p> <p>12 EXAMINATION</p> <p>13 BY MR. van AELSTYN:</p> <p>14 Q. Good morning, Mr. Oberlin.</p> <p>15 A. Good morning.</p> <p>16 Q. My name is Nicholas van Aelstyn. I represent</p> <p>17 the Yosemite Slough PRP Group. I have just a couple of</p> <p>18 follow-up questions to those of Mr. Edelstein. If we</p> <p>19 could abide by the same rules, that would be great, not</p> <p>20 trying to speak over each other, et cetera.</p> <p>21 I apologize. My questions are going to jump</p> <p>22 around a bit because I'm sort of filling in places where</p> <p>23 I had a follow-up question. So the topic may shift a</p> <p>24 few times, but we'll do the best we can.</p> <p>25 A. Uh-huh.</p>	<p style="text-align: right;">Page 69</p> <p>1 A. Yes. Yes.</p> <p>2 Q. All right. What do you mean when you say you</p> <p>3 were in charge of control for the three facilities?</p> <p>4 A. I was in charge of the control laboratories of</p> <p>5 the -- of the -- all three facilities in that I saw that</p> <p>6 they were running the controls properly and so forth.</p> <p>7 Q. How does a control laboratory differ from the</p> <p>8 other laboratories or --</p> <p>9 A. Control laboratories were set up to test the</p> <p>10 spec -- make sure all the finished product going to the</p> <p>11 customer were within specifications.</p> <p>12 Q. I see. I believe you testified that none of</p> <p>13 the products manufactured at the paint facility and also</p> <p>14 the lacquer facility used PCBs; is that correct?</p> <p>15 A. That's correct.</p> <p>16 Q. Would it have been possible for PCBs to have</p> <p>17 been used in a product manufactured there without your</p> <p>18 knowledge?</p> <p>19 MR. EDELSTEIN: Object to form. Speculation.</p> <p>20 BY MR. van AELSTYN:</p> <p>21 Q. If you can answer.</p> <p>22 A. I can't.</p> <p>23 Q. Did anybody else have authority for the</p> <p>24 formulations of products that were manufactured at the</p> <p>25 paint facility?</p>

<p style="text-align: right;">Page 70</p> <p>1 A. No.</p> <p>2 Q. No one else --</p> <p>3 A. Not during while I was there.</p> <p>4 Q. Right. We're only speaking about your time</p> <p>5 there. All right.</p> <p>6 And I believe you mentioned the name of the</p> <p>7 person that you replaced when you arrived. Was it</p> <p>8 Mr. Savage?</p> <p>9 A. Ri- -- Richard Savage.</p> <p>10 Q. Richard Savage. And did he have the same</p> <p>11 position then that --</p> <p>12 A. Yes.</p> <p>13 Q. -- you took? Okay.</p> <p>14 All right. I believe you testified that lead</p> <p>15 naphtholate was used --</p> <p>16 A. Naphthenate.</p> <p>17 Q. Naphthenate.</p> <p>18 A. Yes.</p> <p>19 Q. Could you spell that for the record, please?</p> <p>20 Not the lead. That we know.</p> <p>21 A. N-a-h-p-t-h-e-n-a-t-e (sic).</p> <p>22 Q. Naphthenate. I would not win a spelling bee.</p> <p>23 A. I won't either.</p> <p>24 Q. I believe you testified both to lead</p> <p>25 naphthenate and lead pigment having been added to</p>	<p style="text-align: right;">Page 72</p> <p>1 A. No.</p> <p>2 MR. EDELSTEIN: Object to form.</p> <p>3 BY MR. van AELSTYN:</p> <p>4 Q. Do you recall what kind of trucks they arrived</p> <p>5 on, assuming they did?</p> <p>6 A. No.</p> <p>7 Q. Okay. Was zinc ever added to any of the</p> <p>8 products manufactured at the 24th Street paint facility?</p> <p>9 A. Zinc was in -- went into house paint.</p> <p>10 Q. Zinc did go into house paint?</p> <p>11 A. Yes.</p> <p>12 Q. And how was it provided or delivered to the</p> <p>13 facility?</p> <p>14 A. Generally in 50-pound sacks.</p> <p>15 Q. 50-pound sacks?</p> <p>16 A. Yeah.</p> <p>17 Q. Do you recall what companies provided the zinc?</p> <p>18 A. I think it was New Jersey.</p> <p>19 Q. That was the name of the company?</p> <p>20 A. I think it was New Jersey Zinc.</p> <p>21 Q. Okay. And I apologize, to back up. I may not</p> <p>22 have been clear. With regard to the deliveries of lead,</p> <p>23 were those made in 55-gallon drums to the lacquer</p> <p>24 facility on Marin Street as well?</p> <p>25 MR. EDELSTEIN: Object to form.</p>
<p style="text-align: right;">Page 71</p> <p>1 different products. Is that right? Or was it the same</p> <p>2 kind of thing, the lead?</p> <p>3 A. In -- in -- in house paint, yes.</p> <p>4 Q. In house paint lead pigment was added?</p> <p>5 A. Yes.</p> <p>6 Q. And lead naphthenate was added to industrial</p> <p>7 paints?</p> <p>8 MR. EDELSTEIN: Object to form.</p> <p>9 THE WITNESS: Could be -- the naphthenate could</p> <p>10 be in the house paint too.</p> <p>11 BY MR. van AELSTYN:</p> <p>12 Q. Okay. How was the lead that was used, either</p> <p>13 lead naphthenate or other lead, how was it delivered to</p> <p>14 the paint facility?</p> <p>15 MR. EDELSTEIN: Object to form.</p> <p>16 THE WITNESS: Normally 55-gallon drums.</p> <p>17 BY MR. van AELSTYN:</p> <p>18 Q. So it was in a liquid form?</p> <p>19 A. Yes.</p> <p>20 Q. Do you recall who supplied the lead products to</p> <p>21 the paint facility?</p> <p>22 A. Generally it would be Nuodex, Mooney, Ferro.</p> <p>23 That's as many as I can recall at the present time.</p> <p>24 Q. Do you recall how often deliveries of lead was</p> <p>25 made?</p>	<p style="text-align: right;">Page 73</p> <p>1 THE WITNESS: None was used there. But some of</p> <p>2 it may have been delivered there for transportation to</p> <p>3 our plant by our -- in urban trucking.</p> <p>4 BY MR. van AELSTYN:</p> <p>5 Q. I understand. Thank you.</p> <p>6 Was mercury ever added to any of the products</p> <p>7 manufactured at the 24th Street facility?</p> <p>8 A. Yes.</p> <p>9 Q. Which products was it added to?</p> <p>10 A. Most water-based paints had mercury in them.</p> <p>11 Q. And you were manufacturing water-based paints</p> <p>12 in San Francisco?</p> <p>13 A. Yes.</p> <p>14 Q. You were still doing oil-based paints, but you</p> <p>15 began --</p> <p>16 A. We were -- we were probably making more</p> <p>17 water-based paints than oil-based paints by the time I</p> <p>18 left.</p> <p>19 Q. Oh, really. Okay. I believe you've testified</p> <p>20 to this before, but if I could just ask again. What</p> <p>21 percentage of the products made at the 24th Street</p> <p>22 facility were the house-based paints?</p> <p>23 MS. O'BRIEN: The question may be vague and</p> <p>24 ambiguous with respect to time, but if you can answer</p> <p>25 the question.</p>

<p style="text-align: right;">Page 74</p> <p>1 THE WITNESS: I'm guessing at 15 percent maybe.</p> <p>2 BY MR. van AELSTYN:</p> <p>3 Q. Fifteen?</p> <p>4 A. Maybe less, even that.</p> <p>5 Q. Oh, okay. If I recall, you were in the</p> <p>6 San Francisco facility for approximately nine years,</p> <p>7 1961 to 1970?</p> <p>8 A. Yes.</p> <p>9 Q. Could you take us through that nine-year period</p> <p>10 and estimate, as best you can, what percentage of the</p> <p>11 different products were manufactured during the spread</p> <p>12 of that time?</p> <p>13 A. I don't think I can. All I know is it was</p> <p>14 progressively less and less water paint -- or oil paint</p> <p>15 and more and more water paint.</p> <p>16 Q. Okay. And how about the ratio of industrial</p> <p>17 paints to home-based paints?</p> <p>18 A. Well, the home-based paints were -- far</p> <p>19 exceeded the industrial paints.</p> <p>20 Q. Far exceeded them?</p> <p>21 A. Yeah.</p> <p>22 Q. Okay. And was that true throughout the</p> <p>23 nine-year period?</p> <p>24 A. Pretty much, yes.</p> <p>25 Q. Okay. You were asked about -- sorry. Strike</p>	<p style="text-align: right;">Page 76</p> <p>1 A. What street?</p> <p>2 Q. Thomas.</p> <p>3 A. Thomas, no.</p> <p>4 Q. Were you familiar with the Bay View Hunters</p> <p>5 Point district in San Francisco?</p> <p>6 A. Yes.</p> <p>7 Q. Okay. Did you ever hear of a Thomas Avenue or</p> <p>8 Street?</p> <p>9 A. All I remember is the barracks.</p> <p>10 Q. The barracks, wow, yeah.</p> <p>11 I'm going to mention some additional names for</p> <p>12 you. Were you familiar with a Harry Brennan?</p> <p>13 A. Yes.</p> <p>14 Q. Who was he or is he?</p> <p>15 A. He is our varnish superintendent.</p> <p>16 Q. Varnish superintendent.</p> <p>17 A. Yes.</p> <p>18 Q. So did he work mainly at the Marin Street</p> <p>19 facility?</p> <p>20 A. No. He worked at the -- he did work at Marin</p> <p>21 to some extent making cuts, varnish cuts. But he was in</p> <p>22 charge of the varnish production at our alkyden</p> <p>23 open-kettle cooking.</p> <p>24 Q. Do you know if he would have had any</p> <p>25 responsibility for disposal of used 55-gallon drums?</p>
<p style="text-align: right;">Page 75</p> <p>1 that.</p> <p>2 What kind of oil was used for the oil-based</p> <p>3 paints?</p> <p>4 A. For the lead paints, it was linseed oil. For</p> <p>5 the alkyd-type paints, it would probably be mostly soy</p> <p>6 oil -- soybean oil.</p> <p>7 Q. And do you recall who delivered those oils to</p> <p>8 NL?</p> <p>9 A. No.</p> <p>10 Q. Okay. You were asked about the Bedini</p> <p>11 Brothers. I believe you said you had heard the name.</p> <p>12 A. Yes.</p> <p>13 Q. Did you ever hear the name Joe Bedini?</p> <p>14 A. I don't recall.</p> <p>15 Q. How about Ernest or Ernie Bedini?</p> <p>16 A. No.</p> <p>17 Q. Okay. I believe you testified that you had</p> <p>18 heard of Myers Drum?</p> <p>19 A. Yes.</p> <p>20 Q. Do you know where it was located?</p> <p>21 A. No.</p> <p>22 Q. Do you know where Bedini Brothers was located?</p> <p>23 A. No.</p> <p>24 Q. Did you ever hear of the address 1212 Thomas</p> <p>25 Avenue in San Francisco?</p>	<p style="text-align: right;">Page 77</p> <p>1 A. I have no idea.</p> <p>2 Q. How about the name Carl Moore?</p> <p>3 A. Carl Moore. I know the name. We also -- we</p> <p>4 had two Moores there.</p> <p>5 Q. I'm thinking of the one who I believe was</p> <p>6 identified as the western region plant engineer. Does</p> <p>7 that refresh your recollection?</p> <p>8 A. Yes.</p> <p>9 Q. Do you remember Mr. Moore?</p> <p>10 A. Yes, I do.</p> <p>11 Q. What were his responsibilities?</p> <p>12 A. You named it.</p> <p>13 Q. Could you please tell me what the plant</p> <p>14 engineer did then?</p> <p>15 A. He made sure that things were running in the</p> <p>16 plant.</p> <p>17 Q. Okay. Do you know if he would have had</p> <p>18 responsibility for the disposal of used 55-gallon drums?</p> <p>19 A. I don't know.</p> <p>20 Q. Okay. One -- two more names for you -- a few</p> <p>21 more names. John Trager.</p> <p>22 A. He was our purchasing agent.</p> <p>23 Q. Purchasing agent. So he would have been the</p> <p>24 one responsible for ordering the linseed oil, for</p> <p>25 example, and the lead?</p>

<p style="text-align: right;">Page 78</p> <p>1 A. Lin- -- he ordered everything --</p> <p>2 MR. EDELSTEIN: Object to form.</p> <p>3 BY MR. van AELSTYN:</p> <p>4 Q. Okay. Do you know if he had any responsibility</p> <p>5 for disposing of materials?</p> <p>6 A. I don't know.</p> <p>7 Q. Okay. Did Mr. Trager work at the facility the</p> <p>8 entire nine years that you were there?</p> <p>9 A. I think he was there the whole time and then</p> <p>10 came down to Los Angeles.</p> <p>11 Q. Again, just sorry to backtrack for a moment.</p> <p>12 How about Carl Moore, the plant engineer, was he there</p> <p>13 the whole time that you were there?</p> <p>14 A. I'm not sure. I think he was.</p> <p>15 Q. Okay. And how about Harry Brennan, do you know</p> <p>16 if he was there the whole nine years?</p> <p>17 A. He was there the whole time.</p> <p>18 Q. All right. One more name for you: Richard</p> <p>19 Marklin.</p> <p>20 A. Yes.</p> <p>21 Q. Do you remember Mr. Marklin?</p> <p>22 A. Definitely.</p> <p>23 Q. Who was he?</p> <p>24 A. He was the West Coast product -- production</p> <p>25 manager.</p>	<p style="text-align: right;">Page 80</p> <p>1 to form. Sorry. To the extent that you were talking</p> <p>2 about being disposed.</p> <p>3 BY MR. van AELSTYN:</p> <p>4 Q. High sided?</p> <p>5 A. Yeah.</p> <p>6 Q. Okay. Was it a -- could you -- was it a</p> <p>7 flatbed truck with sides on it?</p> <p>8 A. I don't recall specifically.</p> <p>9 Q. Do you recall roughly how long the truck was?</p> <p>10 A. I'm guessing about maybe 20-feet long, I mean</p> <p>11 as far as the bed.</p> <p>12 Q. Right. That's what I was referring to. Thank</p> <p>13 you.</p> <p>14 And drums would then be stacked onto that bed?</p> <p>15 A. Yes.</p> <p>16 Q. And how high were they stacked?</p> <p>17 A. I don't recall.</p> <p>18 Q. Were they stacked on their sides or standing?</p> <p>19 A. I think they were on their side.</p> <p>20 Q. On their side?</p> <p>21 A. I think so.</p> <p>22 Q. Speaking of the drums, do you recall, were they</p> <p>23 open-topped drums, closed-topped drums or some other</p> <p>24 kind?</p> <p>25 A. They could be both.</p>
<p style="text-align: right;">Page 79</p> <p>1 Q. Was it fair to say that he was, then, in charge</p> <p>2 of the overall --</p> <p>3 A. He had the -- he had the same job I had but in</p> <p>4 production.</p> <p>5 Q. I see.</p> <p>6 A. And over me.</p> <p>7 Q. Okay. Did you technically report to</p> <p>8 Mr. Marklin?</p> <p>9 A. Yes.</p> <p>10 Q. All right. And was he there the full nine</p> <p>11 years as well?</p> <p>12 A. No.</p> <p>13 Q. What period of time was he there, if you</p> <p>14 recall?</p> <p>15 A. Probably from '63 on.</p> <p>16 Q. All right.</p> <p>17 A. That '63 is a guess.</p> <p>18 Q. Fair enough. I was born in '62, so that's a</p> <p>19 long time ago as far as I'm concerned.</p> <p>20 You testified, if I recall, that the drums that</p> <p>21 were disposed were picked up in a truck. I believe you</p> <p>22 described it as --</p> <p>23 A. It seemed like it was high sided, so it could</p> <p>24 carry more drums.</p> <p>25 MR. EDELSTEIN: I'm sorry. I have an objection</p>	<p style="text-align: right;">Page 81</p> <p>1 Q. They could be both.</p> <p>2 Do you know if any of the drums that were</p> <p>3 stacked on these trucks had any skins left inside of the</p> <p>4 drums?</p> <p>5 MR. EDELSTEIN: Object to form.</p> <p>6 THE WITNESS: I would have no idea of knowing.</p> <p>7 BY MR. van AELSTYN:</p> <p>8 Q. Do you know what I mean when I use the term</p> <p>9 "skins"?</p> <p>10 A. It has to do with what's dried on the top</p> <p>11 probably.</p> <p>12 Q. And was that a term that was used at the</p> <p>13 facility to refer to residue left in drums?</p> <p>14 MR. EDELSTEIN: Object to form.</p> <p>15 THE WITNESS: No, not as -- not as residue left</p> <p>16 in drums.</p> <p>17 BY MR. van AELSTYN:</p> <p>18 Q. What did it refer to?</p> <p>19 A. Skin on top of the can of paint.</p> <p>20 Q. Ah, okay. So, if someone said that there was</p> <p>21 skins left in drums, it would be that material on the</p> <p>22 top of a can of paint?</p> <p>23 MR. EDELSTEIN: Object to form.</p> <p>24 BY MR. van AELSTYN:</p> <p>25 Q. If you know.</p>

<p style="text-align: right;">Page 82</p> <p>1 A. I don't know.</p> <p>2 Q. You don't know. Okay. Fair enough.</p> <p>3 Do you know if there was residue left in the</p> <p>4 drums that were stacked on those trucks?</p> <p>5 A. Not on purpose.</p> <p>6 Q. But was there perhaps?</p> <p>7 A. I don't know.</p> <p>8 Q. You don't know. Okay.</p> <p>9 Are you familiar with the term "white lead"?</p> <p>10 A. Yes.</p> <p>11 Q. What is it?</p> <p>12 A. Basic lead carbonate.</p> <p>13 Q. And was that manufactured at either the 24th</p> <p>14 Street facility or the Marin Street facility?</p> <p>15 A. I don't believe so.</p> <p>16 Q. Do you know if NL manufactured it at any other</p> <p>17 facility in the Bay area?</p> <p>18 A. I don't think so.</p> <p>19 Q. Did NL have any other facilities in the Bay</p> <p>20 area?</p> <p>21 A. They had a lead plant on the west -- on the</p> <p>22 east bay where they made -- ulexites for batteries and</p> <p>23 so forth.</p> <p>24 Q. Did it provide any supplies to the facility</p> <p>25 that you were at?</p>	<p style="text-align: right;">Page 84</p> <p>1 A. Yes.</p> <p>2 Q. Do you recall what pesticide was used?</p> <p>3 A. Pentachlorophenol.</p> <p>4 Q. Pentachlorophenol. Do you recall how that was</p> <p>5 supplied to NL at the facility?</p> <p>6 A. No.</p> <p>7 Q. I believe you testified about Monsanto</p> <p>8 providing urea and melamine; is that right?</p> <p>9 A. Possibly.</p> <p>10 Q. Possibly.</p> <p>11 A. Possibly.</p> <p>12 Q. Might they have also provided the pesticide?</p> <p>13 MR. EDELSTEIN: Object to the form.</p> <p>14 THE WITNESS: I have no knowledge.</p> <p>15 MR. van AELSTYN: Okay. I don't have any</p> <p>16 further questions. Thank you very much, Mr. Oberlin.</p> <p>17 MS. O'BRIEN: Counsel on telephone, do you have</p> <p>18 any questions of the witness?</p> <p>19 MS. ROSENTHAL: I do not.</p> <p>20 MS. O'BRIEN: Anyone else?</p> <p>21 MS. LESNIAK: I do. This is Kimberly Lesniak.</p> <p>22</p> <p>23 EXAMINATION</p> <p>24 BY MS. LESNIAK:</p> <p>25 Q. Mr. Oberlin, I have a couple of questions about</p>
<p style="text-align: right;">Page 83</p> <p>1 A. Possibly some litharge.</p> <p>2 THE COURT REPORTER: I'm sorry?</p> <p>3 THE WITNESS: Litharge.</p> <p>4 BY MR. van AELSTYN:</p> <p>5 Q. Could you spell that for us, please?</p> <p>6 A. L-i-t-h-a-r-g-e.</p> <p>7 Q. What is litharge?</p> <p>8 A. A form of lead oxide.</p> <p>9 Q. And it is used in some of the products?</p> <p>10 A. It was used as a catalyst occasionally in</p> <p>11 alkyls.</p> <p>12 Q. Oh, I'm sorry. Again, I apologize for jumping</p> <p>13 around just a little bit more. Do you know if Bedini</p> <p>14 Brothers was ever a customer of NL purchasing paint?</p> <p>15 A. I don't know.</p> <p>16 Q. Okay. Have you ever heard the name Jack</p> <p>17 Hamilton?</p> <p>18 A. I don't recall it.</p> <p>19 Q. How about David Cannon?</p> <p>20 A. No.</p> <p>21 Q. Okay. How about Ed Waymeir?</p> <p>22 A. No.</p> <p>23 Q. Just one moment. You testified about</p> <p>24 pesticides used in a wood preservative that was</p> <p>25 manufactured; is that right?</p>	<p style="text-align: right;">Page 85</p> <p>1 the Los Angeles plant that you were -- that you talked</p> <p>2 about having worked for NL at. It's important, though,</p> <p>3 since I'm over the phone, be sure to let me know whether</p> <p>4 or not you can hear me. And I'll also need you to</p> <p>5 respond to me out loud rather than a nod of the head or</p> <p>6 a shake of the head, because I can't see that. Is that</p> <p>7 all right?</p> <p>8 MS. O'BRIEN: Kimberly, real fast, the</p> <p>9 videographer just let us know we only have five minutes</p> <p>10 left in the tape. Do you anticipate your questions</p> <p>11 going longer than that?</p> <p>12 MS. LESNIAK: I will try to make sure they</p> <p>13 don't.</p> <p>14 MS. O'BRIEN: All right. Well, when we get</p> <p>15 down to the two-minute warning, he's going to let me</p> <p>16 know and we may have to cut you off quickly, but you can</p> <p>17 go ahead --</p> <p>18 THE WITNESS: I'm having trouble understanding.</p> <p>19 MS. O'BRIEN: Okay. Kimberly, you're going to</p> <p>20 have to speak up, and I've just moved you closer to the</p> <p>21 witness.</p> <p>22 MS. LESNIAK: Okay. And I've also taken my</p> <p>23 phone off speakerphone, and I'm speaking into it. So</p> <p>24 maybe that will help. Can you hear me now?</p> <p>25 THE WITNESS: Yes.</p>

<p style="text-align: right;">Page 86</p> <p>1 BY MS. LESNIAK:</p> <p>2 Q. Okay. Mr. Oberlin, a couple of questions about</p> <p>3 the Los Angeles plant that you worked for NL at.</p> <p>4 Los Angeles is a big city. Is that the facility near</p> <p>5 Vernon, California?</p> <p>6 A. Yes.</p> <p>7 Q. And were there any drums that you recall being</p> <p>8 present at that plant when you were working there for</p> <p>9 NL?</p> <p>10 A. Yes.</p> <p>11 MR. EDELSTEIN: Object to form.</p> <p>12 Kim, I also have a sort of a general -- I mean,</p> <p>13 if you're trying to establish, you know, sort of</p> <p>14 Mr. Oberlin's work history or something, I don't have</p> <p>15 objections. But to the extent that you're asking for</p> <p>16 other reasons, I object to the line of questioning on</p> <p>17 relevance grounds. Mr. Oberlin's here to talk largely</p> <p>18 about --</p> <p>19 MS. LESNIAK: NL's 104(e) mentioned the Vernon</p> <p>20 facility may have done business with the facility at</p> <p>21 issue. So I'm just following up on that.</p> <p>22 MS. THOMAS: No, that's not correct. I don't</p> <p>23 believe that's correct.</p> <p>24 BY MS. LESNIAK:</p> <p>25 Q. Do you recall what chemicals or materials were</p>	<p style="text-align: right;">Page 88</p> <p>1 Q. The 1950s I guess to 1960 when you were in LA.</p> <p>2 MS. O'BRIEN: Do you understand the question</p> <p>3 or --</p> <p>4 THE WITNESS: I will acknowledge that there was</p> <p>5 PCB in it. That's the extent of what I can tell you</p> <p>6 right at the moment.</p> <p>7 BY MS. LESNIAK:</p> <p>8 Q. And do you recall whether any of those</p> <p>9 materials that contain PCBs were ever stored in metal</p> <p>10 barrels or drums?</p> <p>11 A. Not stored. They were shipped in drums.</p> <p>12 Q. Okay. Received at the LA plant in drums?</p> <p>13 A. No.</p> <p>14 Q. Shipped out in drums?</p> <p>15 A. Shipped out in drums to the -- to the</p> <p>16 manufacturer.</p> <p>17 Q. Okay. And do you recall whether there were any</p> <p>18 drums at the LA facility that were ever sent out to be</p> <p>19 cleaned from it -- from the facility?</p> <p>20 A. Yes. Drums were clean- -- sent out for</p> <p>21 cleaning. But once they were sent to -- sent to the</p> <p>22 manufacturers, they weren't returned.</p> <p>23 Q. Okay. Do you recall who cleaned the drums for</p> <p>24 NL from the Los Angeles facility?</p> <p>25 A. No, I don't.</p>
<p style="text-align: right;">Page 87</p> <p>1 in drums at the Vernon facility?</p> <p>2 MR. EDELSTEIN: Okay. I do have an objection</p> <p>3 to the line of questioning to the extent that there is</p> <p>4 an attempt to establish some connection between the LA</p> <p>5 facility and Bay Area Drum or Yosemite Slough.</p> <p>6 MS. O'BRIEN: Do you know?</p> <p>7 BY MS. LESNIAK:</p> <p>8 Q. Mr. Oberlin, can you answer my question, what</p> <p>9 materials were contained in drums --</p> <p>10 A. I can't do it -- I can't do it within the time</p> <p>11 element.</p> <p>12 Q. In the 1960s, sir?</p> <p>13 A. No. I'm talking about the hours it might take</p> <p>14 to tell you all the materials that go into paint.</p> <p>15 Q. Okay. Well, how about if I just focus in on</p> <p>16 the ingredients that went into the fencepost enamel? I</p> <p>17 note the resins or the enamel itself or any of the</p> <p>18 ingredients in that product --</p> <p>19 MR. EDELSTEIN: Objection to form.</p> <p>20 BY MS. LESNIAK:</p> <p>21 Q. -- that's contained in drums?</p> <p>22 MR. EDELSTEIN: To the extent that you're</p> <p>23 asking about the 1960s, the testimony is that that</p> <p>24 wasn't manufactured during that time.</p> <p>25 BY MS. LESNIAK:</p>	<p style="text-align: right;">Page 89</p> <p>1 Q. Okay.</p> <p>2 MS. O'BRIEN: Kimberly, that's one minute. Do</p> <p>3 you have more? If so, we should go off and start a new</p> <p>4 tape.</p> <p>5 MS. LESNIAK: No, that will be it for me.</p> <p>6 MS. O'BRIEN: Okay. Anyone else?</p> <p>7 I would propose the following stipulation:</p> <p>8 That the court reporter is relieved of her statutory</p> <p>9 duty with respect to the care and custody of the</p> <p>10 original transcript; that the transcript be provided to</p> <p>11 my office for delivery to Mr. Oberlin; that he will sign</p> <p>12 the transcript and make any necessary changes under</p> <p>13 penalty of perjury. I will then provide the original</p> <p>14 transcript for safekeeping to Mr. Edelstein's office,</p> <p>15 and he will then notify all parties of the fact that the</p> <p>16 transcript has been signed and any changes that were</p> <p>17 made.</p> <p>18 MR. van AELSTYN: So stipulated.</p> <p>19 MR. EDELSTEIN: Agreed.</p> <p>20 THE VIDEOGRAPHER: All right. With the</p> <p>21 approval of counsel, this concludes today's video</p> <p>22 deposition of Fred Oberlin. Today's deposition consists</p> <p>23 of one recorded DVD disk. The time is approximately</p> <p>24 12:21 p.m. We are now off the record.</p> <p>25 (The deposition was concluded at 12:21 p.m.)</p>

Fred E. Oberlin

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1 ACKNOWLEDGMENT OF DEPONENT	1 - - - - -
2	2 ERRATA
3 I, FRED E. OBERLIN, do hereby certify that I	3 - - - - -
4 have read the foregoing pages, _____, and that	4
5 the same is a correct transcription of the answers given	5 PAGE LINE CHANGE/REASON
6 by me to the questions therein propounded, except for the	6 _____ _____
7 corrections or changes in form or substance, if any,	7 _____ _____
8 noted in the attached errata sheet.	8 _____ _____
9	9 _____ _____
10	10 _____ _____
11 Executed this _____ day of _____ 2012, at	11 _____ _____
12 _____,	12 _____ _____
13 (City) (State)	13 _____ _____
14	14 _____ _____
15	15 _____ _____
16 _____	16 _____ _____
17 FRED E. OBERLIN	17 _____ _____
18	18 _____ _____
19	19 _____ _____
20	20 _____ _____
21	21 _____ _____
22	22 _____ _____
23	23 _____ _____
24	24 _____ _____
25	25 _____ _____
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1 REPORTER'S CERTIFICATION	1 - - - - -
2	2 LAWYER'S NOTES
3 I, Kimberly Thrall, Certified Shorthand	3 - - - - -
4 Reporter and Registered Professional Reporter, in and	4
5 for the State of California, do hereby certify:	5 PAGE LINE
6	6 _____ _____
7 That the witness named in the foregoing	7 _____ _____
8 deposition was, before the commencement of the	8 _____ _____
9 deposition, duly administered an oath in accordance	9 _____ _____
10 with the Code of Civil Procedure Section 2094; that	10 _____ _____
11 the testimony and proceedings were reported	11 _____ _____
12 stenographically by me and later transcribed through	12 _____ _____
13 computer-aided transcription under my direction and	13 _____ _____
14 supervision; that the foregoing is a true record of the	14 _____ _____
15 testimony and proceedings taken at that time.	15 _____ _____
16	16 _____ _____
17 IN WITNESS WHEREOF, I have hereunto subscribed	17 _____ _____
18 my name this 23rd day of October, 2012.	18 _____ _____
19	19 _____ _____
20	20 _____ _____
21 _____	21 _____ _____
22 Kimberly S. Thrall, RPR, CSR No. 11594	22 _____ _____
23	23 _____ _____
24	24 _____ _____
25	25 _____ _____

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